

Accordingly, § 28.909, paragraph (b) would be revised to reflect the reduction in the HVI classification fees.

As provided for in the Uniform Cotton Classing Fees Act of 1987, as amended, a five cent per bale discount would continue to be applied to voluntary centralized billing and collecting agents as specified in § 28.909 (c).

Growers or their designated agents would continue to incur no additional fees if only one method of receiving classification data was requested. The fee for each additional method of receiving classification data in § 28.910 would remain at five cents per bale, and it would be applicable even if the same method was requested. The other provisions of § 28.910 concerning the fee for an owner receiving classification data from the central database and the fee for new classification memoranda issued for the business convenience of such an owner without reclassification of the cotton would remain the same.

The fee for review classification in § 28.911 would be reduced from \$1.80 per bale to \$1.60 per bale.

The fee for returning samples after classification in § 28.911 would remain at 40 cents per sample.

List of Subjects in 7 CFR Part 28

Administrative practice and procedures, Cotton, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set forth in the preamble, 7 CFR Part 28 is proposed to be amended as follows:

PART 28—[AMENDED]

1. The authority citation for Part 28 is revised to read as follows:

Authority: 7 U.S.C. 473a, 7 U.S.C. 473c.

2. Section 28.909, paragraph (b) would be revised to read as follows:

§ 28.909 Costs.

* * * * *

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is \$1.60 per bale.

* * * * *

3. In Section 28.911, the last sentence of paragraph (a) would be revised to read as follows:

§ 28.911 Review classification.

(a) * * * The fee for review classification is \$1.60 per bale.

* * * * *

Dated: February 21, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95-4737 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-02-P

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 68

United States Standards for Beans

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.¹

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is proposing to revise the United States Standards for Beans at the request of elements within the Bean Industry. Specifically, FGIS is proposing to eliminate the factor "clean-cut weevil-bored beans" from the grade requirement for the class Blackeye beans and change the grade limits for the factors "total defects," "blistered, wrinkled and/or broken beans," and "splits" for the class Baby Lima beans. FGIS is proposing to change the standard to facilitate marketing of beans.

DATES: Comments must be received by May 25, 1995.

ADDRESSES: Written comments must be submitted to George Wollam, GIPSA—FGIS, USDA, Room 0623 South Building, P.O. Box 96454, Washington, DC, 20090-6454; FAX (202) 720-4628.

All comments received will be made available for public inspection in Room 0623 USDA South Building, 1400 Independence Avenue SW., Washington, DC, during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George Wollam, address as above, telephone (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed 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

¹ 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).

which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

James R. Baker, Administrator, GIPSA, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of the inspection service do not meet the requirements of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities.

Information Collection and Recordkeeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements in Part 68 have been approved previously by OMB and assigned OMB No. 0580-0013.

Review of Standards

On September 22, 1993, FGIS published in the **Federal Register** (58 FR 49248) a request for public comments on several changes to the United States Standards for Beans that had been suggested by the California Bean Shippers Association (CBSA), with the concurrence of the California Dry Bean Advisory Board. Specifically, CBSA recommended that the grading factor "clean-cut weevil-bored beans" be eliminated from the grade requirements for the class Blackeye beans and that "clean-cut weevil-bored beans" be considered as "worm-cut" or "insect damaged" beans. They also recommended that the limits for "total defects," "blistered, wrinkled, and/or broken beans," and "splits" in the class Baby Lima beans be changed to coincide with the grade limits for similar factors in other classes of beans.

Interested parties were invited to participate in the rulemaking process by submitting written comments and/or recommendations regarding the official standards. During the 60-day comment period, one written comment was received from a European industry group. This group recommended that Blackeye beans in grades U.S. Nos. 1, 2, and 3 should not contain more than 0.0, 0.1, and 0.2 percent, respectively, of "clean-cut weevil-bored beans and weevilled beans, total."

"Clean-Cut Weevil-Bored Beans" in Blackeye Beans

The present U.S. standards define "clean-cut weevil-bored beans" as beans

from which weevils have emerged, leaving a clean-cut open cavity free from larvae, webbing, refuse, mold, or stain. "Clean-cut weevil-bored beans" are considered as a separate grading factor in only two classes: Blackeye and Mung beans. According to the U.S. Standards for Beans, Blackeye beans in grades U.S. Nos. 1, 2, and 3 may not contain more than 0.0, 0.2, and 0.5 percent, respectively, of "clean-cut weevil-bored beans." In all other classes, "clean-cut weevil-bored beans" are included with the grading factor "total damage" and/or "total defects."

Blackeye bean growers and shippers feel that including the factor "clean-cut weevil-bored beans" in the Blackeye bean standards should be changed because the grade requirements for Blackeye beans are more stringent than those of similar classes of beans; e.g., Yelloweye and Cranberry beans. Since Blackeye beans are predominately grown in California, these groups believe that the Blackeye bean standards should reflect the marketing concerns of that bean industry.

The Federation Nationale du Legume (FNL), a European industry group, recommended that Blackeye beans in grades U.S. Nos. 1, 2, and 3 should not contain more than 0.0, 0.1, and 0.2 percent, respectively, of "clean-cut weevil-bored beans and weevilled beans, total." FGIS appreciates FNL's concern about the quality of U.S. Blackeye beans. However, regardless of the factors or factor limits specified by the standards for a particular class of beans, buyers and sellers are free to specify different factor requirements in their contracts.

FGIS has no information that would indicate that eliminating "clean-cut weevil-bored beans" as a separate grading factor from the grade requirements for the class Blackeye

beans would have a noticeable effect on the quality or appearance of Blackeye beans, or harm the United States' reputation for producing and marketing high-quality Blackeye beans. Therefore, FGIS is proposing to revise the U.S. Standards for Beans to eliminate the factor "clean-cut weevil-bored beans" as a separate grading factor in the class Blackeye beans and consider "clean-cut weevil-bored" Blackeye beans as "damaged beans," included in the grading factor "total damage."

"Total Defects," "Blistered, Wrinkled, and/or Broken Beans," and "Splits" in Baby Lima Beans

Currently, Baby Lima beans in grades U.S. Nos. 1, 2, and 3 may contain not more than 2.0, 3.0, and 5.0 percent, respectively, of "total defects" and not more than 3.0, 5.0, and 8.0 percent, respectively, of "blistered, wrinkled, and/or broken beans" or "splits." The grade limits for the factors "total defects" (which includes "splits") and "total damaged" for most other classes of beans (e.g., Great Northern, Small White, Kidney, Small Red, Pink, Black Turtle Soup, Blackeye, Cranberry, and Mung beans) is 2.0, 4.0, and 6.0 percent, for grades U.S. Nos. 1, 2, and 3, respectively.

The present limits for "total defects," "blistered, wrinkled, and/or broken beans," and "splits" in the class Baby Lima beans are inconsistent with the standards for other classes of beans. This has caused confusion among some users of the standards. To provide greater uniformity within the U.S. bean standards and to better facilitate the marketing of Baby Lima beans, FGIS is proposing to change the grade limits for these factors in the class Baby Lima beans to 2.0, 4.0, and 6.0 percent, for grades U.S. Nos. 1, 2, and 3, respectively.

Proposed Action

Based on current market needs and other available information, FGIS is proposing to revise:

1. Section 68.134 by eliminating the grading factor "clean-cut Weevil-Bored" and by eliminating footnote 2 which states that "Beans with more than 0.5 percent clean-cut weevil-bored beans are graded U.S. Sample grade." Footnotes that are presently numbered 3 and 4 are proposed to be renumbered 2 and 3, respectively.

2. Section 68.140 by changing the grading limits for the factors "total defects," "blistered, wrinkled, and/or broken beans," and "splits" to 2.0, 4.0, and 6.0 percent for U.S. Nos. 1, 2, and 3, respectively.

Comments including data, views, and suggestions regarding the proposed changes to the U.S. Standards for Blackeye and Baby Lima beans are solicited from interested parties.

List of Subjects in 7 CFR Part 68

Administrative practice and procedures, Agricultural commodities, Beans.

For reasons set forth in the preamble, 7 CFR Part 68 is proposed to be amended as follows:

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 68.134 is revised to read as follows:

§ 68.134 Grades and grade requirements for the class Blackeye Beans.

Grade	General appearance	Percent maximum limits of—				
		Moisture ¹	Total defects (DKT, FM, CCL, & SP)	Total damaged	Foreign material	
					Total	Stones
U.S. No. 1	The special grade off-color may be applied after the removal of total defects.	18.0	4.0	2.0	0.5	0.2
U.S. No. 2		18.0	6.0	4.0	1.0	0.4
U.S. No. 3		18.0	8.0	6.0	1.5	0.6

Grade	Percent maximum limits of—	
	Con- trasting classes ²	Classes that blend ³
U.S. No. 1	0.5	5.0
U.S. No. 2	1.0	10.0

Grade	Percent maximum limits of—	
	Con- trasting classes ²	Classes that blend ³
U.S. No. 3	2.0	15.0

¹ Beans with more than 18.0 percent moisture are graded High moisture.

² Beans with more than 2.0 percent contrasting classes are graded Mixed beans.

³ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

U.S. Substandard: U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.

U.S. Sample grade: U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.

3. Section 68.140 is revised to read as follows:

§ 68.140 Grades and grade requirements for the classes Baby Lima and Miscellaneous Lima Beans.

Grade	General appearance	Percent maximum limits of—				
		Mois- ture ¹	Total defects (DKT, FM, CCL, & SP)	Badly dam- aged	Foreign material	
					Total	Stones
U.S. No. 1	The special grade off-color may be applied after the removal of total defects.	18.0	2.0	1.0	0.5	0.2
U.S. No. 2		18.0	4.0	1.5	1.0	0.3
U.S. No. 3		18.0	6.0	2.0	1.5	0.6

Grade	Percent maximum limits of—			
	Con- trasting classes ²	Blis- tered, wrin- kled, and/or broken	Splits	Classes that blend ³
U.S. No. 1	0.5	2.0	2.0	5.0
U.S. No. 2	1.0	4.0	4.0	10.0
U.S. No. 3	2.0	6.0	6.0	15.0

¹ Beans with more than 18.0 percent moisture are graded High moisture.

² Beans with more than 2.0 percent contrasting classes are graded Mixed beans.

³ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

U.S. Substandard: U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.

U.S. Sample grade: U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.

Dated: February 16, 1995.

James R. Baker,
Administrator.

[FR Doc. 95-4495 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-EN-P