

comments that they may feel appropriate.

Signed at Washington, D.C., the 16th day of February, 1995.

**R.E. Rominger,**

*Acting Secretary of Agriculture.*

[FR Doc. 95-4592 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-10-P

## Agricultural Marketing Service

### 7 CFR Part 28

[CN-95-001]

RIN 0581-AB15

### Revision of User Fees for 1995 Crop Cotton Classification Services to Growers

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) is proposing to reduce user fees for cotton producers for 1995 crop cotton classification services under the Cotton Statistics and Estimates Act in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987. The 1994 user fee for this classification service was \$1.80 per bale. This proposal would reduce the fee for the 1994 crop to \$1.60 per bale. The proposed reduction in fees is due to increased efficiency in classing operations and is sufficient to recover the costs of providing classification services, including costs for administration, supervision, and development and maintenance of standards.

**DATES:** Comments must be received by March 27, 1995.

**ADDRESSES:** Comments and inquiries should be addressed to Lee Cliburn, Cotton Division, AMS, USDA, room 2641-S, P.O. Box 96456, Washington, DC 20090-6456. Comments will be available for public inspection during regular business hours at the above office in Rm. 2641-South Building, 14th & Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Lee Cliburn, 202-720-2145.

**SUPPLEMENTARY INFORMATION:** This rule has been determined to be not significant for purposes of Executive Order 12866, and has not been reviewed by the Office of Management and Budget (OMB).

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they

present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Administrator, Agricultural Marketing Service (AMS), has considered the economic impact of this proposal on small entities pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are about 40,000 cotton growers who voluntarily submit their cotton for the classification service. The majority of the growers are small businesses under the criteria established by the Small Business Administration. The Administrator of AMS has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the RFA because:

- (1) The fee reduction reflects a decrease in the cost-per-unit currently borne by those entities utilizing the services;
- (2) The cost reduction will not affect competition in the marketplace; and
- (3) The use of classification services is voluntary.

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions to be amended by this proposed rule have been previously approved by OMB and were assigned OMB control number 0581-0009 under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

It is anticipated that the proposed changes, if adopted, would be made effective July 1, 1995, as provided by the Cotton Statistics and Estimates Act.

#### *Fees for Classification Under the Cotton Statistics and Estimates Act of 1927*

The user fee charged to cotton producers for High Volume Instrument (HVI) classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was \$1.80 per bale during the 1994 harvest season as determined by using the formula provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The fees cover salaries, cost of equipment and supplies, and other overhead costs, including costs for administration, supervision, and development and maintenance of cotton standards.

This proposed rule establishes the user fee charged to producers for HVI classification at \$1.60 per bale during the 1995 harvest season.

Public Law 102-237 amended the formula in the Uniform Cotton Classing Fees Act of 1987 for establishing the producer's classification fee so that the producer's fee is based on the prevailing method of classification requested by producers during the previous year. HVI classing was the prevailing method of cotton classification requested by producers in 1994. Therefore, the 1995 producer's user fee for classification service is based on the 1994 base fee for HVI classification.

The fee was calculated by applying the formula specified in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The 1994 base fee for HVI classification exclusive of adjustments, as provided by the Act, was \$1.96 per bale. A 2.3 percent, or five cents per bale increase due to the implicit price deflator of the gross domestic product added to the \$1.96 would result in a 1995 base fee of \$2.01 per bale. The formula in the Act provides for the use of the percentage change in the implicit price deflator of the gross national product (as indexed for the most recent 12-month period for which statistics are available). However, this has been replaced by the gross domestic product by the Department of Commerce as a more appropriate measure for the short-term monitoring and analysis of the U.S. economy.

The number of bales to be classed by the United States Department of Agriculture from the 1995 crop is estimated at 19,202,000. The 1995 base fee was decreased 15 percent based on the estimated number of bales to be classed (one percent for every 100,000 bales or portion thereof above the base of 12,500,000, limited to a maximum adjustment of 15 percent). This percentage factor amounts to a 30 cents per bale reduction and was subtracted from the 1995 base fee of \$2.01 per bale, resulting in a fee of \$1.71 per bale.

Assuming a fee of \$1.71 per bale, the projected operating reserve would be 30 percent. The Act specifies that the Secretary shall not establish a fee which, when combined with other sources of revenue, will result in a projected operating reserve of more than 25 percent. Accordingly, the fee of \$1.71 must be reduced by 11 cents per bale, to \$1.60 per bale, to provide an ending accumulated operating reserve for the fiscal year of 25 percent of the projected cost of operating the program. This would establish the 1995 season fee at \$1.60 per bale.

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.<sup>1</sup>

**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

<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).

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