

charts and should not be changed. Based on this information, GIPSA has decided not to adopt the proposed format change.

Final Action

On the basis of these comments and other available information, GIPSA has decided to revise the corn standards as proposed except for revising the format of the grading chart. Pursuant to section 4(b)(1) of the United States Grain Standards Act (7 U.S.C. 76(b)(1)), no standards established or amendments or revocations of standards are to become effective less than one calendar year after promulgation, unless in the judgment of the Administrator, the public health, interest, or safety requires that they become effective sooner. Pursuant to that section of the Act, GIPSA has determined that it is in the public interest that the revisions become effective September 1, 1996. This effective date will coincide with the beginning of the 1996 crop year and facilitate domestic and export marketing of corn. Stress crack testing service is

provided as official criteria and is not included in the U.S. Standards for Corn. Consequently, this official service will be available on January 1, 1996.

List of Subjects in 7 CFR Part 810

Exports, Grain.

For reasons set out in the preamble, 7 CFR part 810 is amended as follows:

PART 810—OFFICIAL UNITED STATES STANDARDS FOR GRAIN

1. The authority citation for part 810 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2067 as amended (7 U.S.C. 71 *et. seq.*)

Subpart A—General Provisions

2. Section 810.102(d) is revised to read as follows:

§ 810.102 Definition of other terms.

* * * * *

(d) *Test weight per bushel.* The weight per Winchester bushel (2,150.42 cubic inches) as determined using an approved device according to

procedures prescribed in FGIS instructions. Test weight per bushel in the standards for corn, mixed grain, oats, sorghum, and soybeans is determined on the original sample. Test weight per bushel in the standards for barley, flaxseed, rye, sunflower seed, triticale, and wheat is determined after mechanically cleaning the original sample. Test weight per bushel is recorded to the nearest tenth pound for corn, rye, triticale, and wheat. Test weight per bushel for all other grains, if applicable, is recorded in whole and half pounds with a fraction of a half pound disregarded. Test weight per bushel is not an official factor for canola.

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Subpart D—United States Standards for Corn

3. Section 810.404 is revised to read as follows:

§ 810.404 Grades and grade requirements for Corn.

Grade	Minimum test weight per bushel (pounds)	Maximum limits of		
		Damaged kernels		Broken corn and foreign material (percent)
		Heat damaged kernels (percent)	Total (percent)	
U.S. No. 1	56.0	0.1	3.0	2.0
U.S. No. 2	54.0	0.2	5.0	3.0
U.S. No. 3	52.0	0.5	7.0	4.0
U.S. No. 4	49.0	1.0	10.0	5.0
U.S. No. 5	46.0	3.0	15.0	7.0

U.S. Sample Grade

U.S. Sample grade is corn that:

- (a) Does not meet the requirements for the grades U.S. Nos. 1, 2, 3, 4, or 5; or
- (b) Contains stones with an aggregate weight in excess of 0.1 percent of the sample weight, 2 or more pieces of glass, 3 or more crotalaria seeds (*Crotalaria* spp.), 2 or more castor beans (*Ricinus communis* L.), 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), 8 or more cockleburs (*Xanthium* spp.), or similar seeds singly or in combination, or animal filth in excess of 0.20 percent in 1,000 grams; or
- (c) Has a musty, sour, or commercially objectionable foreign odor; or
- (d) Is heating or otherwise of distinctly low quality.

Dated: November 14, 1995.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

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Agricultural Marketing Service

7 CFR Parts 1150, 1205, 1207, 1209, 1210, 1211, 1220, 1230, 1250, 1260, and 1270

[PY-95-004]

Procedure for the Conduct of Referenda in Various Research and Promotion Programs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule will remove individual subparts from the Code of Federal Regulations (CFR) covering

procedures for the conduct of referenda in research and promotion programs administered by the Agricultural Marketing Service. This action will eliminate recurring CFR printing costs to the programs.

EFFECTIVE DATE: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Angie Clonts, Standardization Branch, Poultry Division, AMS, USDA, P.O. Box 96456, Room 3944-S, Washington, DC 20090-6456; telephone (202) 720-3506.

SUPPLEMENTARY INFORMATION: This action is authorized under the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501-4513); the Cotton Research and Promotion Act (7 U.S.C. 2101-

2118); the Potato Research and Promotion Act, as amended (7 U.S.C. 2611-2627); the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101-6112); the Watermelon Research and Promotion Act, as amended (7 U.S.C. 4901-4916); the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001-6013); the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301-6311); the Pork Promotion, Research, and Consumer Information Act (7 U.S.C. 4801-4819); the Egg Research and Consumer Information Act, as amended (7 U.S.C. 2701-2718); the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901-2911); and the National Wool Act of 1954 (7 U.S.C. 1781-1787).

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The acts named above except for the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901-2911) and the National Wool Act of 1954 (7 U.S.C. 1781-1787) provide that administrative proceedings must be exhausted before parties may file suit in court. A person subject to a research and promotion order or plan (hereinafter referred to as order) may file a petition with the Secretary of Agriculture (Secretary) stating that the order or 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 an exemption from the order. The petitioner is afforded the opportunity for a hearing on the petition. After the hearing the Secretary will make a ruling on the petition. The acts provide that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition. If a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

The acts under which this rule is authorized provide for the conduct of referenda by the Department so that members of the applicable industry designated to pay assessments to fund activities of the various research and promotion programs may either approve or disapprove initiation and/or

continuation of a program or certain amendments to a research and promotion order or plan. The Department is solely responsible for developing procedures for referenda, thus ensuring the integrity of the process.

Regulatory Impact Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Since this action is administrative in nature, the Administrator of AMS has determined that this rule will have no economic impact on small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection requirements contained in the orders and regulations covered by the acts have previously been approved by OMB. This action will not impact any of the information collection requirements.

Background

In response to the President's Regulatory Review Initiative of March 4, 1995, AMS conducted an indepth review of its regulations. A report on this initiative was submitted to the Office of Budget, Policy, and Analysis on May 3, 1995. As part of the report, AMS identified procedures for the conduct of referenda for certain research and promotion programs which could be removed from the Code of Federal Regulations, one of which, the Floral Research and Consumer Information Order, (7 CFR part 1290) was removed July 20, 1995 (60 FR 37327). Also, Subpart-Procedures for Conduct of Referenda in Connection with a Fluid Milk Promotion Program (1160.600-609), and Subpart-Procedure for the Conduct of Referenda in connection with the Honey Research, Promotion, and Consumer Information Order (1240.200-207) will be retained pending scheduling of continuance referenda in early 1996. Each of the programs has published procedures, totaling 53 CFR pages, which delineate the administrative processes used by AMS for conducting referenda. The provisions generally vary only by identification of the commodity, eligible voter, and organization to conduct the referenda. Since referenda are

conducted infrequently prior to or following initiation of a program, it is not cost-effective to incur annual printing costs for the pages currently in the CFR. Instead, the rules will be published in the Federal Register in sufficient time to conduct a referendum. The rules will not, however, be codified in the CFR.

Pursuant to the provisions in U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) No changes in the procedures are proposed; (2) removal of the procedures is a technical action; and (3) rules will be published in the Federal Register in sufficient time to conduct a referendum.

List of Subjects

7 CFR Part 1150

Dairy products, reporting and recordkeeping requirements, Research.

7 CFR Part 1205

Advertising, Agricultural research, Cotton, Reporting and recordkeeping requirements.

7 CFR Part 1207

Advertising, Agricultural research, Potatoes, Reporting and recordkeeping requirements.

7 CFR Part 1209

Advertising, Agricultural research, Marketing agreements, Mushrooms, Reporting and recordkeeping requirements.

7 CFR Part 1210

Administrative practice and procedure, Advertising, Agricultural research, Reporting and recordkeeping requirements, Watermelons.

7 CFR Part 1211

Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, Reporting and recordkeeping requirements.

7 CFR Part 1220

Agricultural research, Reporting and recordkeeping requirements, Soybeans.

7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Meat and meat products, Reporting and recordkeeping requirements.

7 CFR Part 1250

Administrative practice and procedure, Advertising, Agricultural research, Eggs and egg products, Reporting and recordkeeping requirements.

7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Beef and beef products, Imports, Marketing agreements, Meat and meat products, Reporting and recordkeeping requirements.

7 CFR Part 1270

Administrative practice and procedures, Advertising, Agricultural research, Mohair, Wool.

For the reasons set forth in the preamble, 7 CFR parts 1150, 1205, 1207, 1209, 1210, 1211, 1220, 1230, 1250, 1260, and 1270 are amended to read as follows:

PART 1150—DAIRY PROMOTION PROGRAM

1. The authority citation for part 1150 is revised to read as follows:

Authority: 7 U.S.C. 4501–4513.

§§ 1150.200–1150.212 (Subpart) [Removed]

2. In part 1150, Subpart—Procedure for Conduct of Referenda in Connection with the Dairy Promotion and Research Order, §§ 1150.200 through 1150.212 and the subpart heading are removed.

PART 1205—COTTON RESEARCH AND PROMOTION

3. The authority citation for Part 1205 is revised to read as follows:

Authority: 7 U.S.C. 2101–2118.

§§ 1205.200–1205.210 (Subpart) [Removed]

4. In part 1205, Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders, §§ 1205.200 through 1205.210 and the subpart heading are removed.

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

5. The authority citation for part 1207 is revised to read as follows:

Authority: 7 U.S.C. 2611–2627.

§§ 1207.200–1207.207 (Subpart) [Removed]

6. In part 1207, Subpart—Procedure for the Conduct of Referenda in Connection With Potato Research and Promotion Plan, §§ 1207.200 through 1207.207 and the subpart heading are removed.

PART 1209—MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

7. The authority citation for part 1209 is revised to read as follows:

Authority: 7 U.S.C. 6101–6112.

§§ 1209.300–1209.307 (Subpart C) [Removed]

8. In part 1209, Subpart C—Procedure for the Conduct of Referenda in Connection With the Mushroom Promotion, Research, and Consumer Information Order, §§ 1209.300 through 1209.307 and the subpart heading are removed.

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

9. The authority citation for part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901–4916.

§§ 1210.200–1210.207 (Subpart) [Removed]

10. In part 1210, Subpart—Procedure for the Conduct of Referenda in Connection With the Watermelon Research and Promotion Plan, §§ 1210.200 through 1210.207 and the subpart heading are removed.

PART 1211—PECAN PROMOTION AND RESEARCH PLAN

11. The authority citation for part 1211 is revised to read as follows:

Authority: 7 U.S.C. 6001–6013.

§§ 1211.300–1211.310 (Subpart D) [Removed]

12. In part 1211, Subpart D—Procedure for the Conduct of Referenda in Connection With the Pecan Promotion and Research Plan, §§ 1211.300 through 1211.310 and the subpart heading are removed.

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

13. The authority citation for part 1220 continues to read as follows:

Authority: 7 U.S.C. 6301–6311.

§§ 1220.501–1220.537 (Subpart E) [Removed]

14. In part 1220, Subpart E—Procedure for the Conduct of Referenda §§ 1220.501 through 1220.537 and the subpart heading are removed.

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

15. The authority citation for part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

§§ 1230.601–1230.640 (Subpart E) [Removed]

16. In part 1230, Subpart E—Procedure for the Conduct of Referendum, §§ 1230.601 through 1230.640 and their undesignated centerheadings and the subpart heading are removed.

PART 1250—EGG RESEARCH AND PROMOTION

17. The authority citation for part 1250 continues to read as follows:

Authority: 7 U.S.C. 2701–2718.

§§ 1250.200–1250.207 (Subpart) [Removed]

18. In part 1250, Subpart—Procedure for the Conduct of Referenda in Connection With Egg Research and Promotion Order, §§ 1250.200 through 1250.207 and the subpart heading are removed.

PART 1260—BEEF PROMOTION AND RESEARCH

19. The authority citation for part 1260 is revised to read as follows:

Authority: 7 U.S.C. 2901–2911.

§§ 1260.401–1260.441 (Subpart C) [Removed]

20. In part 1260, Subpart C—Procedure for the Conduct of Referendum, §§ 1260.401 through 1260.441 and their undesignated centerheadings and the subpart heading are removed.

PART 1270—WOOL AND MOHAIR ADVERTISING AND PROMOTION

21. The authority citation for part 1270 is revised to read as follows:

Authority: 7 U.S.C. 1781–1787.

§§ 1270.1–1270.18 [Removed]

22. In part 1270, Subpart—Procedure for the Conduct of Referendums, §§ 1270.1 through 1270.18 and the subpart heading are removed.

Dated: November 20, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95–29117 Filed 11–28–95; 8:45 am]

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Commodity Credit Corporation**7 CFR Part 1446**

RIN 0560–AD90

Peanuts

AGENCY: Commodity Credit Corporation, USDA.