Rules and Regulations

Federal Register
Vol. 61, No. 20
Tuesday, January 30, 1996

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 53 and 54

[No. LS–94–009]

Standards for Grades of Slaughter Cattle and Standards for Grades of Carcass Beef

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the official U.S. standards for grades of carcass beef and the related standards for grades of slaughter cattle. The changes eliminate ''B'' maturity (approximately 30–42 months of age) carcasses with small or slight marbling degrees from the Choice and Select grades and include them in the Standard grade. This action is being taken because carcasses with these characteristics have been shown to be both quite variable and often unacceptable in palatability, which contributes significantly to inconsistent palatability of Choice and Select grade beef. The standards for grades of slaughter cattle, which are based on the beef carcass grades, are revised to parallel the changes in the beef carcass grade standards. This change should serve to strengthen the competitive position of beef products through increased quality and consistency, and thus be in the best interests of the beef industry. Also, it should provide the consumer with an improved product through greater consistency and predictability in the eating quality of Choice and Select grade beef. The changes should provide the industry with long-term benefits because pricing systems will be improved, quality inconsistencies will be reduced, demand for beef will be improved, and the market share beef commands should increase. These revisions are the same as those proposed in the January 19, 1995, Federal Register (60 FR 3982).

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Herbert C. Abraham, Chief, Livestock and Meat Standardization Branch, Livestock and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Washington, D.C. 20090–6456, 202/720–4486.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Department of Agriculture 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 action 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.

Regulatory Flexibility Act

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, P.L. 96–345 (5 U.S.C. 601). The use of the beef carcass and slaughter cattle grade standards is voluntary, and they are applied equally to all size entities covered by these regulations. Further, this action does not impose any new requirements or costs, it only modifies the grade requirements to reflect modern production practices. All entities can make needed management changes in response to market signals. The action is expected to benefit the industry by improving consumer satisfaction with beef products, and there should be a positive impact on overall industry returns.

Background

Federal beef grading is a voluntary fee for service program, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). A primary purpose of the grades is to divide the population of cattle and beef into uniform groups (of similar quality, yield, value, etc.), in order to facilitate marketing. Grades provide a simple, effective means of describing a product that is easily understood by both buyers and sellers. By identifying separate and distinct segments of a commodity, grades enable buyers to obtain that particular portion of the entire range of a commodity which meets their individual needs. At the same time, grades are important in transmitting information to cattle producers so that more informed production decisions can be made. For example, the market preference for a particular grade of beef can be communicated to cattle producers so they can adjust their production accordingly.

When beef is voluntarily graded, the official grade consists of a quality grade and/or a yield grade. The quality grades are intended to identify differences in the palatability (eating satisfaction) of cooked beef primarily through the combined characteristics of marbling and maturity. The principal official USDA quality grades for young (maturity groups A and B) cattle and carcasses are Prime, Choice, Select, and Standard.

In developing the grades, the Department has followed the philosophy that, to be effective, beef grades should sort the supply of beef carcasses into homogeneous groups having a sufficiently narrow range of grade-determining factors so that carcasses within a given grade are essentially interchangeable. Another major objective is to provide as uniform and consistent product as possible within a given grade.

National Cattlemen's Association Petition

In June 1994, the National Cattlemen's Association (NCA) petitioned USDA to modify the beef quality grade standards by removing B-maturity carcasses with small and slight marbling scores from the Choice and Select grades and include such carcasses in the Standard grade. This action was recommended by a NCA Carcass Quality Task Force which worked for approximately 1½ years to develop specific recommendations for the beef industry to win the ''war on fat,'' while enhancing beef quality and consistency. The task force had broad representation

from the cattle production and feeding sectors, as well as packers, purveyors, and retailers. Several actions were recommended, but only this particular recommendation related directly to the beef grade standards.

The NCA petition stated the modern beef animal today is typically marketed at 12 to 15 months of age when fed as calves and 18 to 24 months of age when fed as yearlings. These modern animals are the result of progressive breeders and feeders who produce faster growing, more efficient cattle. If these animals receive proper care and nutrition, they should have no difficulty producing carcasses in the A-maturity group. Carcasses of B-maturity are typically from cattle which are 30 to 42 months of age when marketed.

Research conducted for the Department by Texas A&M University (Smith *et al.*, 1984, Journal of Food Quality), using trained taste panels, indicates that nearly 50 percent of the loin steaks from B-maturity carcasses with slight marbling, and over 30 percent of the loin steaks from B-maturity carcasses with small marbling, are less than satisfactory. These B-maturity carcasses significantly contribute to the variability of palatability within the Select and Choice grades and they do not epitomize the ''modern beef carcass.'' Permitting B-maturity carcasses with a small and slight degree of marbling to be graded Choice and Select when they have been proven to be considerably more variable in palatability than A-maturity carcasses with slight and small marbling provides no incentives for the beef industry to decrease production and marketing of cattle which do not conform to consumer demand for quality and consistency.

Although these cattle make up only a small percentage of the U.S. fed beef supply, their variability in palatability can significantly affect overall consumer satisfaction with beef. According to a national beef quality audit conducted in 1991, B-maturity carcasses with slight and small marbling made up about 4.8 percent of the fed-beef supply. The beef industry processes approximately 26 million fed beef carcasses annually. The estimated 4.8 percent of fed-beef affected by the proposed grade change would represent approximately 1.3 million carcasses. It is estimated that 42 percent of these carcasses would have less than desirable palatability. This means over 500,000 carcasses with less than desirable palatability could be removed from the Choice and Select grades, which should have a very positive effect on consumer satisfaction with beef. The NCA believes producers can and will respond quickly to the market signals that these ''older'' cattle should be marketed at an age at which they can produce A-maturity carcasses and thus produce beef that is more acceptable to consumers. Such a shift in management could effectively eliminate most B-maturity carcasses from the beef supply without negatively affecting overall economic returns to the industry.

The proposed change was seen as having a positive effect on the marketing of Select grade beef. It would not only make the palatability more consistent, but it would also make the nutritional profile more consistent by removing from the Select grade, B-maturity carcasses which have higher amounts of fat due to the higher marbling level (small in B-maturity compared to slight in A-maturity) required for these carcasses to qualify for Select. This makes the Select grade more uniform in both fat content and consistency of palatability and enhance its acceptance by consumers who desire leaner beef. Since the U.S. Good name was changed to U.S. Select in 1987 (52 FR 35679), the percentage of Select graded beef has steadily increased, and in FY 93, 33.6 percent of graded steer and heifer beef was Select.

The NCA recommendation stated it was submitted to aid the beef industry in producing a higher quality, more consistent beef product under the Choice and Select grades. Eliminating B-maturity carcasses will allow market forces to further discourage the production of cattle which do not conform to consumers desire for tender, tasty beef products. The modern beef animal raised using modern breeding and feeding technology should have no trouble producing a carcass of A-maturity. The small proposed modification to the standards will strengthen consumer confidence in using grades to identify quality and consistency when purchasing beef.

Proposed Standards

The Department carefully evaluated the recommendation and concurred that the suggested changes should improve consumer satisfaction with the Choice and Select grades and thus strengthen the competitive position of beef in the marketplace while aiding the beef industry in its objective of providing more palatable, consistent beef to consumers.

Therefore, it was proposed that the beef carcass standards be revised to eliminate B-maturity (approximately 30–42 months of age) carcasses with small or slight marbling degrees from the Choice and Select grades and reduce their grade to Standard.

It was also proposed that the standards for grades of slaughter cattle, which are based on the beef carcass grade standards, be revised to reflect the changes proposed for the beef carcass grade standards. Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce.

Comments

A 90-day comment period, which closed on April 19, 1995, was provided for submission of comments. The official number of comments submitted prior to the close of the comment period was 403. In addition, approximately 65 comments were received which were submitted after the close of the comment period. These 65 comments expressed essentially the same views as the 403 comments submitted in a timely manner. All submitted comments are part of the public record on the proposed change and are available for public review. The comments were divided into several groups (sectors) representing segments of the production and consumption chain with similar interests. The comments were also classified as being submitted by an individual or an organization. The distribution of comments by these categories is shown in Table 1.

The percentage support/opposition for the proposed change by source and classification (i.e., individual or organization) is shown in Table 2. Over 70 percent of the comments from both individuals and organizations supported the proposed change. The proposed change was strongly supported by the purveyor and processor, retail and restaurant, consumer, government, and academia sectors. Of the comments from these sectors, only two individual comments were opposed to the proposed changes. The strongest opposition to the proposed changes was from the cattle feeding, cattle marketing, and the packer sectors. All comments from packers, all but one comment from the cattle marketing sector, and a majority of cattle feeders were opposed to the proposed changes. While the majority of cattle feeding and marketing sector comments were opposed, if they are combined with the comments from the cattle production sector, a large majority of comments from both organizations (71.4%) and individuals (63.0%) representing cattle interests (production, feeding, and marketing) supported the proposed change.

Table 1—DISTRIBUTION OF COMMENTS

Source	Organizations [1]	Individuals [2]	Total
Cattle production	27	171	198
Cattle Feeding	4	96	100
Cattle Marketing	3	8	11
Packer	2	4	6
Purveyor and processor	2	17	19
Retail and Restaurant	1	6	7
Consumer	0	34	34
Government	0	5	5
Academia	0	15	15
Other	0	8	8
Total	39	364	403

[1] Includes comments of state, regional, and national organizations.

[2] Includes comments of individuals, comments with multiple signers, and businesses.

TABLE 2.—COMMENTS IN FAVOR OF OR OPPOSED TO ADOPTION OF USDA PROPOSED CHANGES.[1]

Source	Favor		Oppose		Total
	Number	Percent	Number	Percent	
Cattle Production:					
Individuals [2]	131	77.1	39	22.9	170
Organizations	25	92.6	2	7.4	27
Cattle Feeding:					
Individuals [2]	40	42.1	55	57.9	95
Organizations	0	0	4	100.0	4
Cattle Marketing:					
Individuals	1	12.5	7	87.5	8
Organizations	0	0	3	100.0	3
Packer:					
Individuals	0	0	4	100.0	4
Organizations	0	0	2	100.0	2
Purveyor and Processor:					
Individuals	16	94.1	1	5.9	17
Organizations	2	100.0	0	0	2
Retail and Restaurant:					
Individuals	6	100.0	0	0	6
Organizations	1	100.0	0	0	1
Consumer:					
Individuals [2]	32	97.0	1	3.0	33
Organizations	0	—	0	—	0
Government:					
Individuals	5	100.0	0	0	5
Organizations	0	—	0	—	0
Academia:					
Individuals [2]	14	100.0	0	0	14
Organizations	0	—	0	—	0
Other:					
Individuals	7	100.0	0	0	7
Organizations	0	—	0	—	0
Total	280	70.2	119	29.8	399
Individuals	252	70.0	108	30.0	360
Organizations	28	71.2	11	28.2	39

[1] Includes all written comments except 4 which were nonresponsive or noncommittal regarding the proposed changes.

[2] One comment from this source was nonresponsive or noncommittal regarding the proposed changes.

Comments in favor of the change strongly supported the removal of B-maturity carcasses with small and slight marbling from the Choice and Select grades. The proposed change was seen by many commenters as an opportunity to improve the overall quality of beef from these grades by removing a group of carcasses which only comprise a small percentage of the fed-beef supply, but contribute significantly to beef with less than desirable eating satisfaction for consumers. These commenters indicated that removal of a group of carcasses of which up to approximately 50 percent may produce an inconsistent, variable product which provides consumers with a less than desirable eating experience was a first step toward restoring consumer confidence and market share which has been eroding over the last several years. These comments expressed the view that any group of carcasses with this degree of variability should not be allowed in the Choice and Select grades if the industry is serious in its desire to be consumer driven.

Many supporters of the proposed change, including several from the academic sector, stated the scientific evidence strongly supports the proposed changes. These comments supported the conclusions of the NCA task force which concluded the scientific evidence supported the proposed changes. These studies indicated variability and inconsistency of palatability of beef with small and slight marbling in B-maturity was much greater than comparable levels of marbling in A-maturity, even though some data did not indicate significant differences in overall palatability. The high degree of inconsistency was cited by many

comments from the cattle production and feeding sectors as a situation which must be corrected. Consumption sectors (consumer, purveyor and processor, retail and restaurant) were also very concerned over product which failed to meet consumer desires. Supporters of the proposed changes postulated that few successful businesses would choose to do nothing if they found a product line with up to 50 percent customer dissatisfaction.

Many comments from cattle sectors and academia expressed the belief that a large majority of B-maturity carcasses are the result of management decisions that can be modified by the industry. Further, these comments stated that by sending a strong market signal that these cattle will not be included in the Choice and Select grades, management decisions can be made that will eliminate a large number of them from the fed-beef supply. Many supporters as well as opponents of the proposed changes indicated many B-maturity carcasses are from older ''Mexican feeders'' or first or second-calf heifers. Supporters strongly believed these management practices could be modified and were against allowing these types of cattle to be included in the same grades as properly managed, A-maturity cattle. Several cattle producers and/or feeders indicated they had taken advantage of the system that allowed these types of cattle to be included in the Choice and Select grades, but feel it is now time to take a positive step with long-term benefits in mind to improve the quality and consistency of beef.

Comments from cattle feeders, producers, and marketers which opposed the changes often stated the belief that there would be a significant negative economic impact. Estimates of over $100 million annually in lost revenue were predicted by some of these commenters. Similarly, comments from the packer sector indicated a projected reductions of $20 million to $78 million in revenue annually. These estimates were generally based solely on projected losses in value due to decreasing the grade of the affected B-maturity carcasses from Choice and Select to Standard. Some feeders and producers were concerned that the changes would simply be used by packers as an opportunity to further discount cattle, who would then pass the beef through the system as ''no-roll'' product that would not be discounted appropriately, thus providing an economic windfall for packers. These commenters also believed the beef targeted by the change would not be eliminated from the beef supply, but would simply be marketed in a different manner.

Several of the comments opposed to the changes expressed the concern that the changes ''unfairly penalized'' the approximately 50 percent of the affected B-maturity carcasses which are considered to produce ''desirable'' product. As discussed previously, supporters of the proposal believed any dissatisfaction level of this magnitude was extremely detrimental to consumer acceptance of beef. Several of the comments from cattle producers and feeders also expressed concern that the proposed changes would unfairly penalize operations that grazed older yearling cattle or fed ''older Mexican'' cattle or 1st or 2nd-calf heifers. These comments suggested that these cattle would be severely discounted in the market and would severely affect their production and marketing.

Some comments from the packing and cattle feeding sectors questioned the interpretation of the research considered in developing the proposal which indicated higher variability in palatability of B-maturity carcasses. A few of these comments indicated some studies showed beef of B-maturity to be similar to A-maturity beef in overall palatability. Two studies (National Consumer Retail Beef Study-1986 and Beef Customer Satisfaction-1994) were cited by a few commenters as showing consumers do not regard fed-beef as having palatability problems.

Evaluation of Comments

Supporters of the changes indicated the approximately 50 percent of B-maturity carcasses with less than desirable palatability have a significant negative impact on consumer satisfaction with beef. Many opponents of the changes did not disagree with the evidence of palatability problems in up to 50 percent of B-maturity carcasses. However, these commenters believed the remaining 50 percent of B-maturity carcasses would be ''unfairly discounted'' under the proposal. Even though it would be preferable to not exclude the approximately 50 percent of carcasses in B-maturity which have desirable eating satisfaction from the Choice and Select grades, no method for distinguishing these carcasses from those with undesirable eating satisfaction is currently available. Although these B-maturity carcasses with less than desirable palatability represent a relatively small portion of the fed-beef supply, AMS recognizes that the negative impact they can have on consumer satisfaction with Choice and Select beef supports their exclusion from these grades. AMS also has carefully reevaluated the supporting scientific evidence which compares the palatability of A and B-maturity beef and concludes there is strong evidence of greater variability of eating quality in B-maturity beef than in A-maturity beef. While some opponents of the proposed changes questioned some of the evidence, most of the comments (including several from opponents of the changes) supported the evidence. The two studies (National Consumer Retail Beef Study-1986 and Beef Customer Satisfaction-1994) cited by some opponents as evidence that the changes should not be made evaluated only A-maturity carcasses, B-maturity carcasses were not included in these studies. In addition to the scientific evidence, the very strong support for the proposed changes from the consumption sectors (purveyor, processor, retail, restaurant, and consumer) indicates that consumers desire a more consistent, less variable eating experience from beef products. The need for improved consumer satisfaction is evident, and this action should provide the industry with an opportunity to eliminate a source of beef from the Choice and Select grades that has been shown to be much more variable in palatability than A-maturity beef.

Commenters who both supported and opposed the proposed changes indicated several management practices which contribute to the production of B-maturity carcasses. These include feeding of ''older Mexican'' cattle and 1st and 2nd-calf heifers. While these types of cattle are not the only source of B-maturity carcasses, they potentially are a significant source. AMS believes these comments support the ability of the industry to identify many sources of B-maturity carcasses and either alter management practices to prevent their production as fed-beef or to merchandize them according to their value in the marketing system. Beef produced from such management systems cannot be properly marketed with beef produced from young, fed-cattle under 30 months of age because of the variability they introduce into the Choice and Select grades.

A few comments from ''stocker'' operators were concerned the changes would cause their cattle which are grazed up until about 20 months of age and leave the feedlot at about 23–24 months to be discounted because they would produce B-maturity carcasses. There is no evidence to indicate these cattle when properly managed and marketed would not produce A-maturity carcasses (approximately 30 months of age).

Supporters of the grade change generally indicated a belief that the proposed changes would have a beneficial long-term impact on the industry, but provided no monetary figures. Much of the opposition to the proposed changes was due to potential negative economic impact. Some opponents of the changes provided estimates of negative economic impact on the industry from $20 million to over $100 million annually. Because of the wide variation in the type and magnitude of the predicted impacts expressed by commenters, AMS concluded an independent economic study would better enable AMS to most effectively evaluate the proposed changes. AMS contracted with Dr. Wayne Purcell, Director, Research Institute on Livestock Pricing, Virginia Tech University, to conduct an independent economic analysis. Dr. Purcell is widely accepted by the industry as an authority on livestock marketing. His analysis has been made part of the public record on the proposed changes.

The economic impact study found if management strategies are not changed and the same number of B-maturity carcasses continue to be produced, a short-run negative impact on the industry of −$21 million could be projected. These immediate costs come from the reduced prices of B-maturity carcasses that are in the pipeline and from the price depressing influence of an increase in ungraded and processing beef as these carcasses are marketed. However, if management strategies are improved to eliminate even 25 percent of these B-maturity carcasses, a positive impact of $86 million would occur, and if 50 percent are eliminated due to management, a positive impact of $194 million would occur over an adjustment period of about 18 months. If credit is given to longer term benefits coming from improved demand as some of the quality inconsistency is eliminated, the benefits to the industry could easily exceed $1.0 billion across the next 10 years. This study concluded the benefits to the whole industry far outweigh short-run adjustments. Longer term, it concluded the entire industry would benefit because of improved pricing systems, reduction of quality inconsistencies, improved demand for beef, and a larger market share for beef.

AMS concludes that the industry can utilize improved management strategies to eliminate a portion of B-maturity carcasses from the fed-beef supply. AMS also concludes the economic impact study provides the most reliable indication of potential economic impacts from the changes. The projected negative impacts provided by some commentors generally only accounted for the decrease in value of the B-maturity carcasses which would not grade Choice or Select after the grade change. The commentors did not account for price-related benefits, improved consumer demand, or changes in the supply/demand price relationship for Choice and Select beef after removal of B-maturity carcasses. Many comments indicated producers and feeders have the ability to identify and manage differently cattle types which contribute significantly to production of B-maturity carcasses. What percentage of B-maturity carcasses will be eliminated and over what time period is difficult to predict. However, based on the comments and other information, it is reasonable to assume that improved management strategies will enable the industry to achieve a 25 percent reduction in the number of B-maturity carcasses in the first or second year of the change, if an adjustment period is provided prior to implementation of the change. A 25 percent reduction would enable the industry to realize the net benefits projected by the economic study of $86 million over the eighteen months following implementation of the change by removing an identifiable source of inconsistent quality from the Choice and Select grades and the fed-beef supply.

In consideration of the public comments submitted in response to the proposed rule of January 19, 1995 (60 FR 3982–3986), and all other available information, USDA adopts the proposed rule to revise the official U.S. standards for grades of carcass beef and the related standards for grades of slaughter cattle by eliminating ''B'' maturity (approximately 30–42 months of age) carcasses with small or slight marbling degrees from the Choice and Select grades and including them in the Standard grade. However, in order to allow the industry time to adjust its production and marketing practices and to market beef currently in the pipeline, implementation will be delayed until July 1, 1996.

List of Subjects

7 CFR Part 53

Cattle, Hogs, Livestock, Sheep.

7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

For the reasons set forth in the preamble, 7 CFR Part 53 and 7 CFR Part 54 are amended as follows:

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Parts 53 and 54 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. In § 53.203, paragraph (b) (3) is revised to read as follows:

§ 53.203 Application of standards for grades of slaughter cattle.

* * * * *

(b) * * *

(3) The approximate maximum age limitation for the Prime, Choice, and Standard grades of steers, heifers, and cows is 42 months. The maximum age limitation for the Select grade for steers, heifers, and cows is approximately 30 months. The Commercial grade for steers, heifers, and cows includes only cattle over approximately 42 months. There are no age limitations for the Utility, Cutter, and Canner grades of steers, heifers, and cows. The maximum age limitation for all grades of bullocks is approximately 24 months.[1]

* * * * *

3. In § 53.204, paragraph (c) (1) is revised to read as follows:

§ 53.204 Specifications for official U.S. standards for grades of slaughter steers, heifers, and cows (quality).

* * * * *

(c) *Select.* (1) The Select grade is limited to steers, heifers, and cows with a maximum age limitation of approximately 30 months. Slaughter cattle possessing the minimum qualifications for Select have a thin fat covering which is largely restricted to the back and loin. The brisket, flanks, twist, and cod or udder are slightly full and the muscling is slightly firm.

* * * * *

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

4. Section 54.104 is revised by removing the word ''Select'' in paragraph (n), revising the third and fifth sentences in paragraph (o) and revising Figure 1 in paragraph (o) to read as follows:

§ 54.104 Application of standards for grades of carcass beef.

* * * * *

[1] Maximum maturity limits for bullock carcasses are the same as those described in the beef carcass grade standards for steers, heifers, and cows at about 30 months of age. However, bullocks develop carcass indicators of maturity at younger chronological ages than steers. Therefore, the approximate age at which bullocks develop carcass indicators of maximum maturity is shown herein as 24 months rather than 30 months.

(o) * * * The Prime, Choice, Select, and Standard grades are restricted to beef from young cattle; the Commercial grade is restricted to beef from cattle too mature for Prime, Choice, and Standard; and the Utility, Cutter, and Canner grades may include beef from animals of all ages. * * * Except for the youngest maturity group and the Choice grade in the second maturity group, within any specified grade, the requirements for marbling increase progressively with evidences of advancing maturity. * * *

BILLING CODE 3410–02–P

Relationship Between Marbling, Maturity, and Carcass Quality Grade*

Degrees of Marbling	Maturity** A***	B	C	D	E	Degrees of Marbling
Slightly Abundant	Prime					Slightly Abundant
Moderate			Commercial			Moderate
Modest	Choice					Modest
Small						Small
Slight	Select			Utility		Slight
Traces					Cutter	Traces
Practically Devoid	Standard					Practically Devoid

* Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."

** Maturity increases from left to right (A through E).

*** The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure 1

BILLING CODE 3410–02–C

* * * * *

5. Section 54.106 is amended by revising the third sentence in paragraph (b) (3), revising paragraphs (c) (1) and (c) (2) and removing paragraph (c) (3) as follows:

§ 54.106 Specifications for official United States standards for grades of carcass beef (quality-steer, heifer, cow).

* * * * *

(b) * * *

(3) * * * In carcasses throughout the range of maturity included in this group, a minimum modest amount of marbling is required (see Figure 1) and the ribeye muscle is slightly firm.

(c) *Select* (1) For carcasses throughout the range of maturity permitted in the Select grade, the minimum degree of marbling required is a minimum slight amount (see Figure 1) and the ribeye may be moderately soft.

(2) Carcasses in the maturity group permitted range from the youngest that are eligible for the beef class to those at the juncture of the two youngest maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is slightly light red in color and is fine in texture.

* * * * *

Dated: January 25, 1996.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 96–1816 Filed 1–26–96; 11:27 am]

BILLING CODE 3410–02–P

Foreign Agricultural Service

7 CFR Parts 1520, 2101, 2200, and 2507

Availability of Information to the Public and Removal of CFR Chapters

AGENCY: Foreign Agricultural Service.

ACTION: Final rule.

SUMMARY: This document revises regulations governing the availability of information to the public by the Foreign Agricultural Service (FAS) to reflect reorganizations of the Department of Agriculture since these regulations were first published. The Foreign Economic Development Service has been eliminated and both the Office of International Cooperation and Development and the Office of the General Sales Manager are part of FAS and will not have separate Freedom of Information Act responsibilities. Therefore, this regulation also removes 7 CFR parts 2101, 2200, and 2507 and their respective CFR chapters, relating to the availability of information by these offices. The regulation also makes other internal management changes to the regulations.

EFFECTIVE DATE: January 30, 1996.

FOR FURTHER INFORMATION CONTACT: Carolyn Harris, (202) 690–1851.

SUPPLEMENTARY INFORMATION: Pursuant to the reorganization of the Department of Agriculture under Public Law 103–354, the Secretary of Agriculture reassigned departmental functions relating to foreign agricultural programs to the Under Secretary of Agriculture for Farm and Foreign Agricultural Services. See 59 FR 66517, December 27, 1994. The Under Secretary delegated certain of those functions to the Administrator of the Foreign Agricultural Service. See 60 FR 56433, November 8, 1995. In this document, the Foreign Agricultural Service is amending regulations governing the availability of information to the public to reflect the reorganization of these functions.

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 12866. This action is not a rule as defined by the Regulatory Flexibility Act, Pub. L. 96–354, and, thus, is exempt from the provisions of that Act.

List of Subjects in 7 CFR Parts 1520, 2101, 2200 and 2507

Freedom of information.

Accordingly, and under the authority of 5 U.S.C. 552, Title A of the Code of Federal Regulations is amended to read as follows:

CHAPTER XV

PART 1520—[AMENDED]

1. The authority citation for part 1520 continues to read as follows:

Authority: 5 U.S.C. 552.

2. Section 1520.3 is revised to read as follows:

§ 1520.3 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Members of the public may request access to such materials through the Information Division, FAS, Room 5074, South Building, Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250–1004. The office will be open from 8:30 a.m. to 5 p.m. Monday through Friday, except legal holidays.

3. Section 1520.4 is revised to read as follows:

§ 1520.4 Indexes.

5 U.S.C. 552(a)(2) required that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. Copies of the FAS Index may be obtained free of charge by telephoning (202) 720–7115 or writing to the Freedom of Information Officer, Information Division, FAS, Ag Box 1004, Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC 20250–1004.

4. Section 1520.5 is revised to read as follows:

§ 1520.5 Request for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to the Freedom of Information Officer, Information Division, Foreign Agricultural Service, Ag Box 1004, Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250–1004.

(b) Processing of a request for information can be facilitated if ''FOIA REQUEST'' is placed in capital letters on the front of the envelope and at the top of the letter. Additional information may be obtained by telephoning the FAS Information Division on (202) 720–7115.

5. In section 1520.6, paragraph (a) is amended by removing ''20250'' and adding, in its place, ''20250–1001'', and paragraph (b) is amended by adding at the end thereof a new sentence to read as follows:

§ 1520.6 Appeals.

* * * * *

(b) * * * Additional information may be obtained by telephoning the FAS Information Division on (202) 720–7115.

CHAPTERS XXI, XXII, XXV—[REMOVED]

PARTS 2101, 2200, AND 2507—[REMOVED]

6. Parts 2101, 2200 and 2507 are removed and chapters XXI, XXII, and XXV are vacated.