

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Part 868

RIN No. 0580-AA54

#### General Regulations and Standards for Certain Agricultural Commodities

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

**ACTION:** Proposed rule.

**SUMMARY:** The Grain Inspection, Packers and Stockyards Administration (GIPSA) is proposing to amend the regulations under the Agricultural Marketing Act (Act) of 1946 to allow GIPSA and State cooperators to use contractors to perform specified inspection services. GIPSA has determined that private firms, institutions, and individuals, working under contract with GIPSA field offices and State cooperators may be able to perform some inspection services, at certain locations, more effectively or at less cost than if those services were performed by Department or State employees. Consequently, GIPSA is proposing to amend the regulations to allow GIPSA and State cooperators to contract for service work and to license individual contractors and those employed by contractors.

**DATES:** Comments must be received on or before March 16, 1998.

**ADDRESSES:** Written comments must be submitted to George Wollam, USDA, GIPSA, ART, Stop 3649, Washington, DC 20250-3649; 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 same as above, telephone (202) 720-0292.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This rule has been determined to be nonsignificant for the purpose of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget.

##### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule or application of its provisions.

##### Effects on Small Entities

GIPSA has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). GIPSA believes that allowing contracts with private firms, institutions, individuals, and others for inspection work will foster more cost-effective operations. Many users of the inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act. For example, the primary user of pulse inspection services is the U.S. government. It is estimated that between 80 and 90 percent of all inspections are performed (directly or indirectly) at the request of either the USDA's Farm Service Agency or Foreign Agricultural Service, or the U.S. Agency for International Development. The proposed change would allow GIPSA and the 13 State cooperators to use contractors to perform specified inspection services. Currently, contract samplers are used by both GIPSA and State cooperators which has resulted in reduced operating expenses and, in many cases, quicker services to applicants for services. It is expected that this action would result in similar benefits.

##### 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 868 have been approved previously by OMB and assigned OMB No. 0580-0013.

##### Background

GIPSA is committed to carrying out its statutory and regulatory mandates in a cost effective manner that best serves the public interest. Concurrently, GIPSA is constantly seeking ways to reduce the cost of providing official services, without reducing the quality of that service. One measure that has proven effective is the use of contract samplers at outlying service points or during periods of peak demand. By judiciously using contract samplers, GIPSA field offices and State cooperators have been able to reduce their operating expenses and, in many cases, provide quicker service to their applicants for services. GIPSA believes that contract inspections may be equally beneficial in certain situations; e.g., providing quality inspections on an intermittent basis at geographically isolated service points. Additionally, GIPSA feels that allowing GIPSA and State cooperators to contract with private firms, institutions, individuals, and others for inspection work will foster more cost-effective operations, which in turn, may lessen the need for future fee increases.

The Act of 1946, as amended, provides authority to the Secretary of Agriculture to enter into contracts and agreements with States and agencies of States, private firms, institutions, and individuals for the purpose of performing specified inspection services. According to section 868.1(b)(23) of the regulations, such services may include "applying such tests and making examinations of a commodity and records by official personnel as may be necessary to determine the kind, class, grade, other quality designation, the quantity, or condition of commodity; performing condition of container, carrier stowage examination; and any other services as related to commodities, as necessary; and issuing an inspection certificate." However, section 868.80(a)(1) of the regulations states that only persons employed by a cooperator may be licensed to inspect commodities or to perform related services. Consequently, GIPSA is proposing to amend the regulations to provide for GIPSA and

State cooperators to contract for quality (grading) inspection services and to license individual contractors and those employed by a contractor.

**Proposed Action**

To provide for more responsive, cost-effective inspection services under the Act of 1946, GIPSA is proposing to revise:

1. Section 868.1(b)(13) to expand the definition of contractor to provide for cooperators to use contractors for specified services.

2. Section 868.80(a)(1) to add provisions for licensing individual contractors and employees of contractors.

**List of Subjects in 7 CFR Part 868**

Administrative practice and procedure, Agricultural commodities.

For reasons set forth in the preamble, 7 CFR Part 868 is proposed to be amended as follows:

**PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES**

1. The authority citation for Part 868 continues to read as follows:

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

2. Section 868.1(b)(13) is revised to read as follows:

**§ 868.1 Meaning of terms.**

\* \* \* \* \*

(b) \* \* \*

(13) *Contractor.* Any person who enters into a contract with the Service or with a cooperator to perform specified inspection services.

\* \* \* \* \*

2. Section 868.80(a)(1) is revised to read as follows:

**§ 868.80 Who may be licensed.**

(a) *Inspectors.* \* \* \*

(1) Is employed by a cooperator, is a contractor, or is employed by a contractor.

\* \* \* \* \*

Dated: January 9, 1998.

**James R. Baker,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 98–920 Filed 1–14–98; 8:45 am]

BILLING CODE 3410-EN-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 97–201; RM–9127]

**Radio Broadcasting Services; Crested Butte, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** This document dismisses a petition filed on behalf of Crested Butte Broadcasting Company, which requested the allotment of Channel 293A to Crested Butte, Colorado, as that community's first local commercial FM transmission service, based upon the lack of an expression of interest in pursuing the proposal by the petitioner or any other party. See 62 FR 49189, September 19, 1997. With this action, the proceeding is terminated.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97–201, adopted December 22, 1997, and released January 9, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98–1025 Filed 1–14–98; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 97–252, RM–9206]

**Radio Broadcasting Services; Columbia City, FL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Max Media proposing the allotment of Channel 243A to Columbia City, Florida, as that community's first local broadcast service. The channel can be allotted to Columbia City without a site restriction at coordinates 30–04–12 and 82–41–42.

**DATES:** Comments must be filed on or before March 2, 1998, and reply comments on or before March 17, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Donald E. Martin, P.O. Box 19351, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–252, adopted December 17, 1997, and released January 9, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98–1024 Filed 1–14–98; 8:45 am]

BILLING CODE 6712-01-P