

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

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB-99-02]

Tobacco Inspection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is withdrawing its proposed rule published in the **Federal Register** on May 12, 1999. The rule proposed to revise the regulations for flue-cured tobacco to: add a special factor to the grademark to identify any lots of baled flue-cured tobacco not opened for inspection; add bale dimensions and spacing requirements for uniform marketing display in auction warehouses; and adjust the poundage tolerance for a warehouse selling baled tobacco in excess of the sales schedule.

FOR FURTHER INFORMATION CONTACT: John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456. Telephone (202) 205-0567.

SUPPLEMENTARY INFORMATION: This notice announces that AMS is withdrawing the proposal to amend regulations under Subpart B, Regulations; Subpart C, Standards, and Subpart G, Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets, pursuant to the authority contained in the Tobacco Inspection Act of 1935, as amended (7 U.S.C. 511 *et seq.*). The proposal was published in the **Federal Register** on May 12, 1999 (64 FR 25462). The proposal would add a special factor "B" to the grademark to identify lots of baled flue-cured tobacco not opened for inspection. Proposed provisions also

would add bale dimensions and spacing requirements for uniform marketing display in auction warehouses and adjust the poundage tolerance for a warehouse selling baled tobacco in excess of the sales schedule.

In response to the request for comments on the proposed rule, seven comments were received. These comments were from a national and state growers association, a leaf tobacco exporters association, a state farm bureau, a flue-cured tobacco cooperative stabilization corporation, a tobacco product manufacturer, and a member of congress. All of the comments opposed the addition of the special factor "B" to the grademark to identify lots of baled flue-cured tobacco not opened for inspection. The commenters' concerns included that special factors have traditionally been used to identify quality rather than packaging, the proposed special factor would add confusion to the marketplace, and that the special factor could be detrimental to sales. With regard to the other proposals concerning bale dimensions and spacing requirements and adjusting the poundage tolerance for a warehouse selling baled tobacco in excess of the sales schedule, one comment noted that farmers who had contacted the commenter were not opposed to those proposed provisions.

After considering the comments, we have concluded that we should not proceed with a proposed rule based on the proposal because the revisions that would be necessary to reconcile the proposed regulations with the views expressed in the comments would be so significant that the final rule would be substantially different from the proposed rule on which the public had the opportunity to comment and which had been endorsed by the Flue-Cured Tobacco Advisory Committee. Therefore, we are withdrawing the May 12, 1999, proposed rule. We will continue the research project for the marketing of flue-cured tobacco in bales for the upcoming season beginning in July and we plan to develop new proposed regulations to address this alternative package method. The concerns and recommendations of all those who commented on the proposed rule that we are withdrawing will be considered during the development of any new proposed regulations. Further, we intend to publish an advance notice

of proposed rulemaking in the **Federal Register** after the close of the next marketing season to solicit additional input from interested persons and to present opportunities for additional public participation in discussions of the scope, rationale, and basis of any new proposed regulation.

Dated: July 15, 1999.

Enrique E. Figueroa,

Administrator, Agricultural Marketing Service.

[FR Doc. 99-18666 Filed 7-21-99; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 253 and 254

RIN 0584-AC65

Food Distribution Program on Indian Reservations: Disqualification Penalties for Intentional Program Violations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food and Nutrition Service is proposing amendments to the Food Distribution Program on Indian Reservations (FDPIR) regulations at 7 CFR Parts 253 and 254 in response to an audit recommendation by the Department of Agriculture's Office of Inspector General (OIG). The proposed changes are intended to improve program integrity and promote consistency with the Food Stamp Program. The rule would define intentional program violations, establish penalties for them, and require Indian Tribal Organizations and State agencies that administer FDPIR to take appropriate action on suspected cases of intentional program violations. It would also address the establishment and collection of claims against households for overissuances under FDPIR, and make technical changes to Part 253 to correct erroneous regulatory references.

DATES: Send your comments to reach us on or before September 20, 1999. Comments received after the above date will not be considered in making our decision on the proposed rule.

ADDRESSES: You can mail or hand-deliver comments to Lillie F. Ragan,