

§ 723.509 Limitation of subpart to 1994 production.

Notwithstanding any other provision of this subpart, the requirements and provisions of this subpart shall not apply to cigarettes produced after December 31, 1994.

Signed at Washington, DC, on November 21, 1995.

Bruce R. Weber,
Administrator, Consolidated Farm Service Agency.

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Grain Inspection, Packers and Stockyards Administration

7 CFR Part 810

RIN 0580-AA14

United States Standards for Corn

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

ACTION: Final rule.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is revising the United States Standards for Corn to: report test weight (TW) to the nearest tenth of a pound; eliminate the count limit on stones and reduce the U.S. Sample grade aggregate weight tolerance from more than 0.2 percent by weight to more than 0.1 percent by weight; and offer stress crack testing as official criteria.

The objective of these revisions is to ensure that the corn standards are serving their intended purpose to facilitate the marketing of corn.

EFFECTIVE DATE: September 1, 1996.

Availability: Stress crack testing will be available January 1, 1996.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA, GIPSA, room 0623, South Building, P.O. Box 96454, Washington, D.C. 20090-6454; telephone (202) 720-0292; FAX (202) 720-4628.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Department is issuing this rule in conformance with Executive Order 12866.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The United States Grain Standards Act (Act) provides in section 87g that no State or subdivision may require or impose any requirements or restrictions concerning

the inspection, weighing, or description of grain under the Act. Otherwise, this 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 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 rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirements for small entities. Further, the regulations are applied equally to all entities.

Background

During October 1993, the Federal Grain Inspection Service (FGIS), which is now part of GIPSA, prepared a discussion paper concerning the U.S. Standards for Corn. This paper addressed a number of issues relating to the corn standards and served as a starting point for discussions with producers, trade associations, processors, handlers, and merchandisers to better understand their views on changes needed to improve existing standards. It was distributed throughout the grain industry. FGIS received positive response from the grain industry.

On February 22, 1995, GIPSA proposed in the Federal Register (60 FR 9790) to revise the United States Standards for corn to: (1) report TW to the nearest tenth of a pound; (2) eliminate the count limit on stones and reduce the U.S. Sample grade aggregate weight tolerance from more than 0.2 percent by weight to more than 0.1 percent by weight; and (3) offer stress crack testing as official criteria. Furthermore, GIPSA sought comments not only on the proposal to offer stress crack testing as official criteria, but also on the reporting method.

GIPSA officials discussed the proposed revisions to the corn standards at the Grain Quality Workshops and presented the stress crack testing proposal at the Grain Quality Conference organized by the University of Illinois.

Comment Review

During the 60-day comment period, GIPSA received fifteen comments: four from grain handlers, three from corn

producers, three from corn processors, two from official inspection agencies, two from foreign buyers, and one from academia.

On the basis of these comments received during the comment period and other available information, GIPSA has decided to enact the changes as proposed.

TW Per Bushel

TW per bushel is the weight per Winchester bushel (2,150.42 cubic inches) as determined using an approved device according to procedures prescribed in FGIS instructions. TW for corn is determined before the removal of broken corn and foreign material and certificated in whole and half pounds with a fraction of a half pound disregarded. Upon request, TW for corn is reported to the nearest tenth of a pound in addition to the official certification method.

Reporting TW in corn to the nearest tenth of a pound will bring TW reporting requirements in line with the reporting requirements for other factors such as damaged kernels total and broken corn and foreign material. Another consideration is that nearly all TW results are currently rounded down. For example, under the current reporting method, a scale reading 53.99 pounds per bushel is certified as 53.5 pounds per bushel, which meets the TW grade limit for U.S. No. 3 corn. If the results, however, were rounded to the nearest tenth of a pound, the resultant 54.0 pounds per bushel would meet the grade limit for U.S. No. 2 corn. Usually, the current practice of rounding down causes TW to be underrepresented throughout the marketing channel. Furthermore, the rounding of TW results to the nearest tenth of a pound will not significantly affect the assigned grade since, in most cases, the rounded result will fall within the grade requirement.

Nine commentors supported the proposed change stating that reporting TW to the nearest tenth of a pound is in the best interest of corn producers, will have a positive impact on net farm income, and rounding down in half pound increments has been particularly unfair and sent a negative signal to producers.

Two commentors opposed this change stating that the current rounding method is working satisfactorily; GIPSA has not confirmed that it will have a net beneficial impact on the market or that the current reporting method inhibits the efficient transmission of information on quality; and they are concerned about the reproducibility of results at the tenth of a pound level.