the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. This action will not substantially affect the normal movement of the commodity in the marketplace. The Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities. For the reasons set forth in the preamble, 7 CFR part 29, subpart D, is amended as follows:

#### PART 29—[AMENDED]

# Subpart D—Order of Designation of Tobacco Markets.

1. The authority citation for 7 CFR Part 29, Subpart D, continues to read as follows: Authority: Sec. 5, 49 Stat. 732, as amended by sec. 157(a) (1), 95 Stat. 374 (7 U.S.C. 511d).

## 29.8001 [Amended]

2. In § 29.8001, the table is amended by adding a new entry (kkk) to read as follows:

	Territory	Types of tobacco	Auction markets	Order of designation	Citation
*	*	*	*	* *	*
(kkk) North Carolina		flue-cured	Fairmont-Fair Bluff		April 6, 1995.

Dated: March 1, 1995. Lon Hatamiya, *Administrator.* [FR Doc. 95–5537 Filed 3–6–95; 8:45 am] BILLING CODE 3410–02–P

## 7 CFR Part 56

[Docket No. PY-92-004]

RIN 0581-AA60

### Voluntary Shell Egg Grading

**AGENCY:** Agricultural Marketing Service, USDA.

# ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is issuing amendments to the voluntary shell egg grading regulations and standards in response to new technology and current practices in the shell egg industry and to conform to statutory requirements. The amended regulations define washed ungraded eggs and clarify the definition of a quality assurance inspector; add age and disability as types of prohibited discrimination in providing grading services; clarify the type of facilities and equipment to be supplied to a grader and the method by which cartons of eggs are to be identified; update grading room requirements to include mechanized shell egg operations and to require rinse water to be at least as warm as wash water; harmonize the standards for quality of individual shell eggs for B quality in U.S. Nest-Run grades with the U.S. Standards for Quality of Individual Shell Eggs for B quality; and delete wholesale shell egg grades and weight classes.

EFFECTIVE DATE: April 6, 1995.

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Chief, Grading Branch, 202–720–3271.

#### SUPPLEMENTARY INFORMATION:

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It 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.

The AMS Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the revisions reflect current industry production and marketing practices.

The information collection requirements that appear in § 56.17(b) and § 56.37 to be amended by the rule have been previously approved by the Office of Management and Budget and assigned OMB Control No. 0581–0128, under the Paperwork Reduction Act of 1980.

## Background

Periodically the Poultry Division of AMS reviews its existing regulations. As a result of a review, it was determined that several revisions were necessary to make the shell egg standards and regulations for grading shell eggs more useful and efficient.

The grading of shell eggs by the AMS is a voluntary program, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and is offered on a fee-for-service basis. The grading program is designed to assist orderly marketing of shell eggs.

Therefore, the standards must keep abreast of new technology and advancements in production and marketing practices.

Accordingly, AMS is amending the voluntary shell egg grading regulations to redefine "quality assurance inspector" to exclude from this designation a plant owner, manager, foreman, or supervisor and to clarify that the quality assurance inspector is authorized to examine product.

The amendments also define the term "washed ungraded eggs" to mean shell eggs which have been washed but not subject to any grading or segregation for quality.

The amendments update the regulations to comply with current statutory requirements regarding providing grading services and licensing graders without discrimination due to age or disabilities.

The facilities and equipment which the applicant furnishes the graders are expanded to include other facilities and equipment as may otherwise be required.

The amendments revise the regulations to comply with the Nutrition Labeling and Education Act of 1990.

Also revised are the existing methods of identifying cartons to require that each officially identified carton of shell eggs be lot numbered on either the carton or the consumer package.

The amendments revise the minimum facility and operating requirements for shell egg grading and packing plants by updating grading room requirements.

Shell egg cleaning operations also are revised to require that the temperature of the water used to spray rinse shell eggs be at least as warm as the water used to wash the shell eggs. Additionally, the National Supervisor is specifically authorized to approve