

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Parts 29, 31, 32, 51, 52, 53, 54, 56, 58, 70, and 160****[Docket Number FV-95-303]****Removal of U.S. Grade Standards and Other Selected Regulations****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Interim final rule with request for comments.

SUMMARY: This rule will remove most of the voluntary U.S. grade standards and other selected regulations covering a number of agricultural commodities (dairy products, tobacco, wool, mohair, fresh and processed fruits and vegetables, livestock, meats and meat products, eggs, and poultry and rabbit products) from the Code of Federal Regulations (CFR). These are an accumulation of regulations which have been developed for more than 75 years to facilitate the marketing of agricultural commodities by providing a uniform language which may be used to describe the quality of various agricultural commodities as valued in the marketplace. The voluntary standards and all subsequent revisions or new standards will be made available in a separate publication, except for wool and mohair standards. These standards and related regulations will be removed from the CFR and will no longer be available since there is no demand for services pertaining to wool or mohair. This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

In carrying out this responsibility, the Administrator of the Agricultural Marketing Service (AMS), will ensure that proposed, new or revised voluntary standards will appear in the "Notices" section of the Federal Register and that the public will have an opportunity to comment. AMS will maintain the existing numbering system in the voluntary standards. The standards for the various commodities will continue to be administered by each commodity division within AMS.

EFFECTIVE DATE: December 4, 1995. Comments must be received by February 2, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be submitted in duplicate, signed, include the address of the sender, and should bear reference to

the date and page number of this issue of the Federal Register. Commentors are encouraged to include definitive information which explains and supports the sender's views. Written comments may be mailed to Eric Forman, Deputy Director, Fruit and Vegetable Division, USDA, AMS, Room 2085-S, P.O. Box 96456, Washington, DC 20090-6456.

Comments will be available for public inspection during regular business hours in Room 2085-South Building; 14th Street and Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Eric Forman (202) 690-0262.

SUPPLEMENTARY INFORMATION: This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

Executive Order 12866

The Department of Agriculture (Department) 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 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 this rule or the application of its provisions.

Effect on Small Entities

This action was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The Administrator of (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities. Although this action will remove provisions from the CFR, small entities should see no changes as the standards will be administered under the direction of the Administrator to ensure public input to their formulation and convenient availability to those who want copies of the standards.

Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act, the information collection requirements contained in the provisions to be amended have been previously approved by the Office of Management and Budget.

Background

The Secretary of Agriculture is authorized under various statutes to provide Federal grading/certification services and to develop and establish efficient marketing methods and practices of agricultural commodities. The ultimate goal being to facilitate the efficient marketing of agricultural commodities and enable consumers to obtain the quality of products they desire at a reasonable cost. For more than 75 years, AMS has facilitated the marketing of agricultural commodities by developing official U.S. grade standards which provide a uniform language that may be used to describe the characteristics of more than 450 commodities as valued by the marketplace. These standards are widely used in private contracts, government procurement, marketing communication and, for some commodities, consumer information.

Although use of most of the U.S. standards is voluntary, they have through the years been promulgated as regulations and codified in the CFR. Rapid changes in consumer preferences, together with associated changes in commodity characteristics, processing technology, and marketing practices have outpaced the revision or issuance of regulations. As a result, industry and the marketplace have been in some instances burdened with outdated trading language. The President's regulatory review initiative has provided the impetus to develop new approaches to meet more effectively the needs of U.S. industry, government agencies, and consumers and still reduce the regulatory burden. To meet this initiative, regulations that are currently in the CFR which could be administered under the authority of AMS are being removed from the CFR. With respect to the official grade standards, this includes all the standards except those which are currently in the rulemaking process, incorporated by reference in marketing orders/agreements appearing at 7 CFR Parts 900 through 999, or those used to implement government price support. Those grade standard regulations will continue to appear in the CFR, although the text will also be available as AMS standards along with all other grade standards, except for wool and mohair standards. These standards and related regulations will be removed from the CFR and will no longer be available since there is no demand for services pertaining to wool or mohair.

This rule eliminates selected regulations which encompass approximately 1,200 pages of the CFR