

shall describe briefly and clearly the determination sought to be reviewed and shall include a brief statement of the factual and legal matters that the petitioner believes warrant the reversal of the determination.

6. Section 1.136 is amended by adding a sentence at the end of paragraph (a) to read as follows:

§ 1.136 Answer.

(a) * * * As response to a petition for review of responsibly connected status, the Chief, PACA Branch, shall within ten days after being served by the Hearing Clerk with a petition for review, file with the Hearing Clerk a certified copy of the agency record upon which the Chief, PACA Branch, made the determination that the individual was responsibly connected to a licensee under the Perishable Agricultural Commodities Act, 7 U.S.C. 499a *et seq.*, and such agency record shall become part of the record in the review proceeding.

* * * * *

7. Section 1.137 is revised to read as follows:

§ 1.137 Amendment of complaint, petition for review, or answer; joinder of related matters.

(a) *Amendment.* At any time prior to the filing of a motion for a hearing, the complaint, petition for review, answer, or response to petition for review may be amended. Thereafter, such an amendment may be made with consent of the parties, or as authorized by the Judge upon a showing of good cause.

(b) *Joinder.* The Judge shall consolidate for hearing with any proceeding alleging a violation of the Perishable Agricultural Commodities Act, 7 U.S.C. 499a *et seq.*, any petitions for review of determination of status by the Chief, PACA Branch, that individuals are responsibly connected, within the meaning of 7 U.S.C. 499a(9), to the licensee during the period of the alleged violations. In any case in which there is no pending proceeding alleging a violation of the Perishable Agricultural Commodities Act, 7 U.S.C. 499a *et seq.*, but there have been filed more than one petition for review of determination of responsible connection to the same licensee, such petitions for review shall be consolidated for hearing.

8. Section 1.141 is amended as follows:

a. By adding a new sentence after the first sentence of paragraph (a);

b. By designating the text of paragraph (e) following the heading as paragraph (e)(1), and by adding a new paragraph (e)(2), to read as follows:

§ 1.141 Procedure for hearing.

(a) * * * A petition for review shall be deemed a request for a hearing. * * *

(e) *Failure to appear.* (1) * * *

(2) If the petitioner in the case of a Petition for Review of a determination of responsibly connected status within the meaning of 7 U.S.C. 499a(9), having been duly notified, fails to appear at the hearing without good cause, such petitioner shall be deemed to have waived his right to a hearing and to have voluntarily withdrawn his petition for review.

* * * * *

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

9. The authority citation for part 47 continues to read as follows:

Authority: 7 U.S.C. 499o; 7 CFR 2.17(a)(8)(xiii), 2.50 (a)(8)(xiii).

§ 47.47 Additional definitions.

10. Section 47.47 is revised to read as follows:

§ 47.47 Additional definitions.

The following definitions, which are in addition to those in § 47.2 (a) through (h), shall be applicable to proceedings under §§ 47.47 through 47.49.

(a) *Chief* means the Chief of the PACA Branch, or any officer or employee to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated by the Chief, to act in such capacity.

(b) *PACA Branch* means that PACA Branch of the Division.

(c) *Petition for review* means the document filed requesting review by an Administrative Law Judge of the Chief's determination.

§ 47.49 [Amended]

11. Section 47.49 is amended as follows:

a. In paragraphs (a), (b), and (c), the words "Regulatory Branch" are removed each time they occur and the words "PACA Branch" are added in their place.

b. Paragraph (d) is amended by removing all words appearing after "may file" and adding in their place the words "with the Hearing Clerk, pursuant to § 1.130–1.151 of this title, a petition for review of the determination."

c. Paragraphs (e) and (f) are removed.

§ 47.50 through 47.68 [Removed]

12. Sections 47.50 through 47.68 are removed.

Done in Washington, DC, this 29th day of February 1996.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96–6693 Filed 3–20–96; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Marketing Service

7 CFR Part 54

[No. LS–95–006]

Amendment to Meats, Prepared Meats, and Meat Products (Grading, Certification and Standards)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Meats, Prepared Meats, and Meat Products (Grading, Certification and Standards) by adding definitions, changing certificate forms, removing two outdated official stamp imprints, and adding three new official stamp imprints. Program changes made to better serve our customers and improve efficiency resulted in development of the above new items, and caused the disuse of the old stamps and certificates.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Larry R. Meadows, Chief, Meat Grading and Certification Branch, (202) 720–1246.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

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 this rule or the application of its provisions.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Administrator of the AMS has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of the

businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

After implementation of the rule the unit cost for providing meat grading and certification services will remain at approximately \$.0009 per pound. Therefore, implementation of the changes will not significantly affect the cost of providing meat grading and certification services to the meat industry. Accordingly, the Administrator of AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the RFA.

Paperwork Reduction Act

The action replaces two forms with new editions. However, the new forms will be completed by AMS graders will not be a burden on the public. Therefore, under the provisions of the Paperwork Reduction Act the forms will not be reviewed by OMB.

Background

The Secretary of Agriculture is authorized under the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.*, to provide voluntary Federal meat grading and acceptance services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat they desire. As program activities or industry practices change, the regulations governing such activities require updating. Since July 1990, when Title 7, Subtitle B, Chapter I, Subchapter C, Part 54, Sections 54.1-54.26 was last amended, the program revised official certificates and other documents. The two new certificates, which allow up to five program employees to charge an applicant on one document, significantly reduce preparation time, certificate usage, and documents sent to users of the service. As a result of the changes to the official certificates, new representations are included in the rule.

The program will also add a single stamp and a series of three new official stamps, which were developed to prevent repetitive motion injuries to our personnel. The program conducted a study of all aspects of the work, and consulted experts in ergonomics prior to developing the new stamps. The new stamps will allow meat graders to apply significantly fewer stamp imprints while ensuring complete grade identification within the slaughter facility. The new stamps will be used in conjunction with grade labeled bags ensuring full grade identification throughout the marketing chain. The

new stamps will also reduce the amount of meat branding ink placed on carcasses. Meat branding ink on calf, veal, lamb, and in processed beef products can produce discolored spots, which detract from appearances. The new certificates and stamps are now in use.

The program will remove the following two outdated, no longer in use, official stamps: "U.S.D.A. PRE-IDENT FEDERAL PURCHASE," and "U.S.D.A. EXAMINED AS CERTIFIED."

The program substitutes "Certification service" for "Acceptance service"—in all locations—because not all work performed results in accepted products, and adds the newly-developed Quality Systems Certification and Contract Verification Programs, which are not currently defined under the regulations and require explanation. The Quality Systems Certification Program (QSCP) evaluates processes to assure that vendors produce acceptable products without evaluating end products on a fulltime basis. The Contract Verification Program evaluates contractually purchased products, and provides purchasers an evaluation of how accurately a contractor is adhering to contractual requirements. Both programs will be available on a single-use consultation-fee basis or on a retainer-fee basis for long term usage. In conjunction with the new QSCP service, the program developed a new identification mark. The program provides for the new mark to be used on advertising materials but not directly on retail packaging.

Comments

On October 13, 1995, the Agency published in the Federal Register (60FR198) a proposed rule to amend the regulations adding new stamp imprints, services, and certificate forms, and removing no longer in use stamps and certificate forms which were not being used. This proposed rule was published allowing the opportunity for public comment as a means for providing full participation in the rulemaking process. Comments on this proposed rule were requested by November 12, 1995. During the 30-day comment period, the Agency received comments from one meat industry group.

Discussion of Comments

The commenter expressed concern about stamp imprint legibility of the New stamp because of rough exterior surface fat. The Agency realizes that changing industry practices have resulted in a less desirable surface to apply a stamp imprint. However, after testing the new stamp on hundreds of

thousands of carcasses, the Agency determined the new stamp applies a satisfactory imprint on surfaces that are sufficiently dry.

The commenter expressed concern over the requirement of stamp users to institute the use of grade labeled bags, and the associated costs that must be passed to the consumer [use of the new stamp and grade labeled bags is restricted to facilities with in-house fabrication capability]. The high cost of implementing use of grade labeled bags was a major concern of other companies, but all are now marketing competitive priced products. The Agency shares concern about rising cost burdening consumers; the use of the new stamp will no longer require a full roller brand, and therefore, one less employment position in the grading process. This stamp will also significantly reduce meat branding ink use, and its associated discoloration problems in processed products. Reduced salaries and benefits, combined with lessened meat branding usage cost, will offset any cost of grade labeled bags. The Agency anticipates other cost savings through undiscovered new operational efficiencies. An additional benefit of using grade labeled bags is obtained through positive grade identity through the marketing chain. However, when intact carcasses are shipped, they will continue to be fully roller branded.

List of Subjects in 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

For the reasons set forth in the preamble, 7 CFR Part 54 is amended as follows:

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 54 continues to read as follows:

Authority: 7 U.S.C. 1622-1624.

2. In § 54.1, the definition "Acceptance service" is removed and four new definitions are added to read as follows:

§ 54.1 Meaning of words.

* * * * *

Certification service. The service established and conducted under the regulations for the determination and certification or other identification of the compliance of products with specifications.

* * * * *

Contract verification service. A program allowing institutions or other

large purchasers of commodity products to have those products compared to contractual requirements.

* * * * *

Institutional Meat Purchase Specifications. Specifications describing various meat cuts, meat products, and meat food products derived from all livestock species, commonly abbreviated "IMPS", and intended for use by any meat procuring activity. For labeling purposes, only product certified by the Meat Grading and Certification Branch may contain the letters "IMPS" on the product label.

* * * * *

Quality Systems Certification Program. A multifaceted program allowing all aspects of the livestock industry to have quality systems, or processes within quality systems, verified by AMS agent(s) to effectuate use of such quality systems to meet contractual requirements, or as a marketing tool.

* * * * *

3. In § 54.4, the words "Acceptance service" are removed in the third sentence and the words "Certification service" are added in their place, and a new sentence is added at the end of the section to read as follows:

§ 54.4 Kind of service.

* * * The Contract Verification Service, under the regulations, provides wholesale buyers of noncertified commodity products a method of determining whether procurement(s) meet contractually specified requirements. The Quality Systems Certification Program, under the regulations, provides meatpackers, processors, producers, or other businesses in the livestock and meat trade the ability to have special processes or documented quality management systems verified.

4. In § 54.14, paragraphs (a) and (b) and figures 1 and 2 are revised to read as follows:

§ 54.14 Official certificates.

(a) Agricultural Products Certificate Form LS-5-3 (Figure 1) is the official certificate for products under the regulations. The official grader shall prepare, sign, and issue an Agricultural Products Certificate Form LS-5-3 covering products for which that grader determined final specification compliance. Where weight or count is verified, the grader shall initial in the block titled "Weights and Total Count Verified."

(b) Applicant Charges Certificate Form LS-5-5 (Figure 2) will be used to reduce paperwork for applicants assigned multiple graders. Assigned graders will complete one Form LS-5-5. Each grader will enter their code letters and signature in the appropriate location(s) to indicate certificate completion.

BILLING CODE 3410-02-P

* * * * *

5. § 54.17 is amended by:

- (1) revising the text in paragraph (b),
- (2) revising paragraph (c),
- (3) revising paragraph (d),
- (4) revising paragraph (e),
- (5) revising paragraph (f),
- (6) revising paragraph (g), and
- (7) adding new paragraphs (h), (i), (j), and (k) to read as follows:

§ 54.17 Official identifications.

* * * * *

(b) A shield enclosing the letters "USDA" as shown in Figure 1 with the appropriate quality grade designation "Prime," "Choice," "Select," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," or "Cull," as

provided in the official United States Standards for Grades of Beef, Veal and Calf, Lamb, Yearling Mutton, and Mutton Carcasses and accompanied by the class designation "Bullock," "Veal," "Calf," "Lamb," "Yearling Mutton," or "Mutton," constitutes a form of official identification under the regulations to show the quality grade, and where necessary the class, undersaid standards, of steer, heifer, and cow beef, veal, calf, lamb, yearling mutton and mutton. The code identification letters of the grader performing the service will appear intermittently outside the shield.

* * * * *

(c) A shield enclosing the letters "USDA" and the words "Yield Grade,"

as in Figure 1, with the appropriate yield grade designation "1," "2," "3," "4," or "5" as provided in the Official United States Standards for Grades of Fresh Beef Carcasses and the Official United States Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses constitutes a form of official identification under the regulations to show the yield grade under said standards. When yield graded, bull and bullock carcasses will be identified with the class designation "Bull" and "Bullock," respectively. The code identification letters of the grader performing the service will appear outside the shield.

BILLING CODE 3410-02-M



Figure 1.

BILLING CODE 3410-02-C

(d) Under the regulations, for carcass grade identification purposes only, a shield enclosing the letters "USDA" with the appropriate yield grade

designation number of "1," "2," "3," "4," or "5" between the "US" and "DA", with the appropriate quality grade designation of "Prime", "Choice," or "Select," below both as shown in

Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410-02-M



A A

Figure 1.

BILLING CODE 3410-02-C

(e) Under the regulations, for yield grade identification purposes only, a shield enclosing the letters "US" on one

side and "DA" on the other, with the appropriate Yield Grade designation number "1," "2," "3," "4," or "5" as shown in Figure 1. The code

identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410-02-M



A A

Figure 1.

BILLING CODE 3410-02-C

(f) Under the regulations, for quality grade identification only, a shield enclosing the letters "US" on one side

and "DA" on the other with the appropriate Quality Grade designation of "Prime," "Choice," or "Select" as shown in Figure 1. The code

identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410-02-M

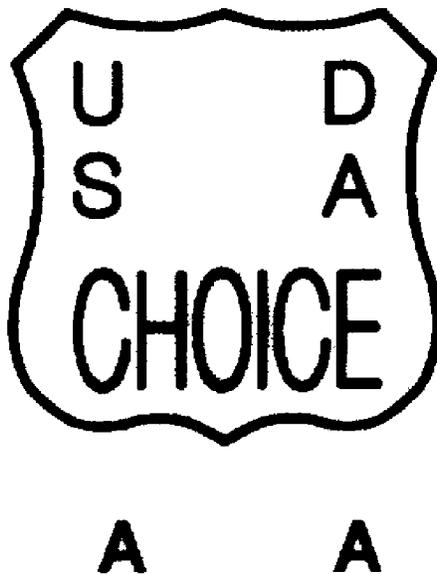


Figure 1.

BILLING CODE 3410-02-C

(g) The letters "USDA" with the appropriate grade designation "1," "2," "3," "4," "Utility," or "Cull" enclosed

in a shield as shown in Figure 1, as provided in the Official United States Standards for Grades of Pork Carcasses, constitutes a form of official

identification under the regulations to show the grade under said standards of barrow, gilt, and sow pork carcasses.

BILLING CODE 3410-02-M



Figure 1.

BILLING CODE 3410-02-C

(h) The following constitute forms of official identification under the

regulations to show compliance of products:

BILLING CODE 3410-02-M



Figure 1.



Figure 2.



BILLING CODE 3410-02-C

Note: The letters "RWX", and "UF" shown in figures 1, and 2 are examples, respectively,

of the code identification letters of the official grader performing the service.

(i) The following, as shown in Figure 1, constitutes official identification to show quality system certification:

BILLING CODE 3410-02-M



Figure 1.

BILLING CODE 3410-02-C

(j) A shield-shaped ear tag enclosing the letters "USDA", the words "Carcass Data Service," as shown below (Figure

1), and a serial number constitutes a form of official identification under the regulations for livestock and carcasses. Other information may appear on the

backside of the ear tag at the option of the purchasers.

BILLING CODE 3410-02-M

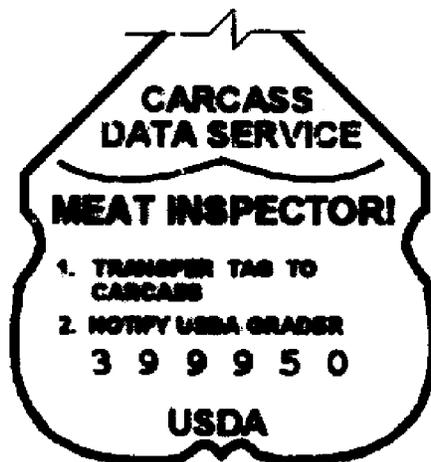


Figure 1.

BILLING CODE 3410-02-C

(k)(1) One device used by USDA graders is a rectangular, serially numbered, orange tag on which a shield

encloses the letters "USDA" and the words "Product Control" as shown in Figure 1, constitutes a form of official

identification under the regulations for meat and meat products.

BILLING CODE 3410-02-M

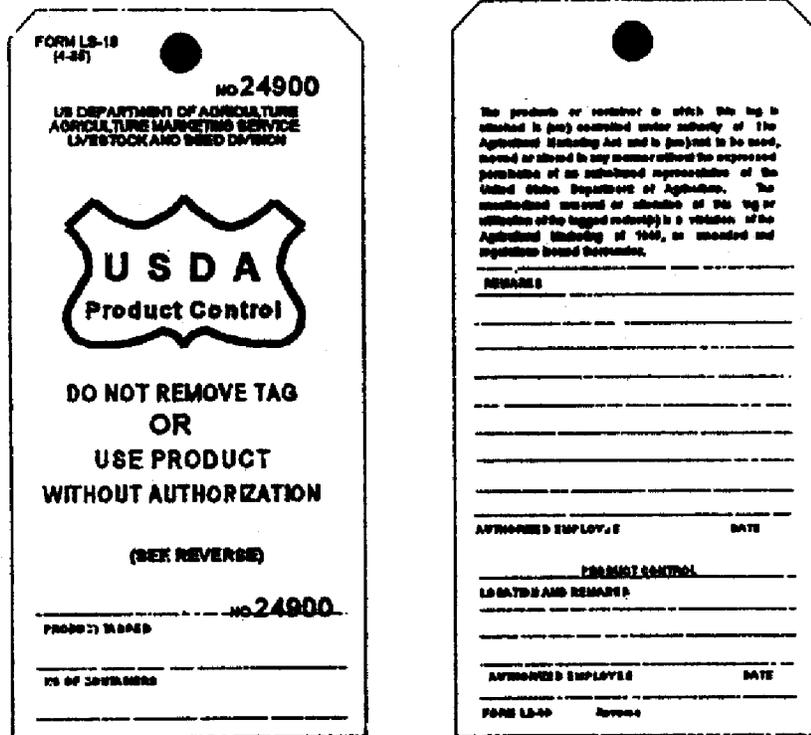


Figure 1. Form LS-10. USDA Product Control.

BILLING CODE 3410-02-C

(2) Official graders and supervisors of grading may use "Product Control" tags or other methods and devices as approved by the Administrator for the identification and control of meat and meat products which are not in compliance with the regulations or are held pending the results of an examination. Any such meat or meat product so identified shall not be used, moved, or altered in any manner; nor shall official control identification be removed, without the express permission of an authorized representative of the USDA.

Dated: February 21, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96-6645 Filed 3-20-96; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

RIN 0560-AE28

Extension of Maturing 1994 and Subsequent Crop Year Wheat and Feed Grain Price Support Loans

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, the proposed rule published in the Federal Register at 60 FR 55807 on November 3, 1995, allowing producers to extend maturing wheat, corn, grain sorghum, barley, oat, and rye price support loans during times of abnormal marketing conditions.

EFFECTIVE DATE: March 21, 1996.

FOR FURTHER INFORMATION CONTACT: Margaret Wright, Program Specialist, Farm Service Agency (FSA), USDA, room 3627, South Building, P.O. Box 2415, Washington, DC 20013-2415, telephone 202-720-8481.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by Office of Management and Budget (OMB) under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are Commodity Loans and Purchases—10.051.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment.