

The postponement is being made at the request of the petitioner, Herzog Contracting Corporation, which seeks a waiver of the Safety Glazing Standards (49 CFR part 223). (See original hearing notice published November 20, 1989, at 54 FR 48049.)

FRA regrets any inconvenience caused by the postponement of this hearing.

Issued in Washington, DC, on December 5, 1989.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 89-29101 Filed 12-13-89; 8:45 am]

BILLING CODE 4910-06-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 239

Thursday, December 14, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 10:00 a.m.—1:00 p.m.**PLACE:** African Development Foundation.**DATE:** Friday, 15 December 1989.**STATUS:** Open.

Agenda

1. Chairman's Report.
2. President's Report.
3. Other Business.

This is to replace a document published in the *Federal Register* issue of November 24, 1989 (54 FR 48719) concerning a meeting, originally scheduled for Friday, 08 December 1989, which was cancelled, due to bad weather.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Janis McCollim, 673-3916.

Leonard H. Robinson, Jr.,

President.

ADF Agency Number 11010006

ADF BOAC Number 953901

FR Doc. 89-29313 Filed 12-12-89; 1:34 pm]

BILLING CODE 6116-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER 89-28739

PREVIOUSLY ANNOUNCED DATE AND TIME:

Thursday, December 14, 1989, 10:00 a.m., Open Meeting.

THE FOLLOWING ITEM WAS DELETED FROM THE AGENDA: Attorney Grade Levels.

DATE AND TIME: Tuesday, December 19, 1989, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings
Correction and Approval of Minutes
Final Rules Concerning Debts Owed by
Candidates and Political Committees (11 CFR Part 116)
Election of Officers for 1990
A. Chairman
B. Vice Chairman
Administrative Matters

DATE AND TIME: Tuesday, December 19, 1989, following the open meeting.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C.

§ 437g.

Audits conducted pursuant to 2 U.S.C. § 437g.

§ 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer,
Telephone: (202) 376-3155.

Hilda Arnold,

Administrative Assistant, Office of the
Secretariat, Federal Election Commission.

[FR Doc. 89-29272 Filed 12-12-89; 11:21 am]

BILLING CODE 6715-01-M

Corrections

Federal Register

Vol. 54, No. 239

Thursday, December 14, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1079

[Docket No. AO-295-A38; DA-88-111]

Milk in the Iowa Marketing Area; Decision of Proposed Amendments to Marketing Agreement and To Order

Correction

In proposed rule document 89-27767 beginning on page 48900 in the issue of Tuesday, November 28, 1989, make the following correction:

§ 79.2 [Corrected]

On page 48911, in the third column, in § 1079.2(a), in the fourth line, insert "Butler" following "Buchanan".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-402]

Lime From Mexico; Final Results of Changed Circumstances Countervailing Duty Administrative Review and Revocation of Countervailing Duty Order

Correction

In notice document 89-28076 beginning on page 49324 in the issue of Thursday, November 30, 1989, make the following correction:

On page 49325, in the second column, beginning with the third complete paragraph and up to the fourth complete paragraph in the third column on page 49326, the text was printed out of order. The text is correctly published below.

In "Certain Fasteners from India; Final Results of Administrative Review and Partial Revocation of Countervailing Duty Order" (47 FR 44129; October 6, 1982) ("Indian

Fasteners"), the Department determined that "Congress intended 'impose' to mean 'levy,'" at the time section 303(a)(2) was enacted and that "the jury requirement extends beyond the issuance of the countervailing duty order throughout the life of an order whenever duties are assessed or collected." Accordingly, Article VI prohibits the United States from "imposing," or assessing, countervailing duties on lime from Mexico unless there has been a determination that the imported goods are causing, or threatening to cause, material injury to a U.S. industry.

To argue, as petitioners have, that any obligations with respect to an injury determination terminates with issuance of an order, and that application of the injury requirements of Article VI to this case is a retroactive application of treaty obligations, overstates the significance of an order and misinterprets the nature of such obligations. Although the determinations regarding subsidies and injury (where the latter is required) are normally made prior to the issuance of a countervailing duty order, the one-time issuance of an order does not vitiate the continuing nature of the Article VI obligation. The GATT has always recognized that a contracting party has a continuing obligation to review and update the original determinations that resulted in the countervailing duty order; the issuance of an order does not establish a basis for collecting duties indefinitely. Under the U.S. countervailing duty law, administrative reviews are conducted periodically and countervailing duties assessed in accordance with U.S. obligations in effect at the time the subject merchandise entered into the United States. Thus, the United States is fully within its rights to collect countervailing duties on entries of lime from Mexico made on or before August 23, 1986. Only subsequent to Mexico's accession to the GATT, on August 24, 1986, did the legal prerequisites for an order issued on duty-free merchandise under section 303(a)(1) cease to exist in the absence of an injury determination, and the obligation for an injury determination arise.

Comment 2: Petitioners argue that GATT cannot provide an independent source of authority for an injury investigation in this case because, having never been ratified by Congress,

the GATT has the status of an executive agreement that is inferior to subsequently enacted legislation. Since Article VI took effect with respect to the United States, Congress has enacted legislation providing for injury investigations and reviews in a wide variety of situations but has declined to authorize injury determinations in the circumstances of this case.

Sonocal replies that, in the case of the GATT, the President was authorized by Congress to enter into an international agreement, and the fact that Congress has not subsequently ratified the agreement does not in itself vitiate the agreement or preclude its enforcement in domestic law; executive agreements, like formal treaties, can be enforced as the supreme law of the land. Sonocal also points out that petitioners have acknowledged that section 303(a)(2) was enacted to satisfy U.S. obligations under Article VI. Finally, Sonocal asserts that where the specific purpose of a statute, as clearly established by its legislative history, is to give effect to an obligation contained in an international agreement to which the United States has acceded, one cannot conclude without any basis in the language of the statute that, in the process of implementing a GATT provision, Congress restricted the scope of U.S. obligations under that provision.

Department's Position: Since signing the GATT in 1948, the United States has consistently taken the position that it was required under international law to fulfill the obligations of that agreement. The United States has agreed to the Protocol Application and has undertaken numerous GATT obligations thereunder. The fact that Congress has authorized the President to enter into several rounds of trade negotiations under the auspices of the GATT also supports the view that the GATT was to be enforced as domestic law. The legislative history of section 303(a)(2) clearly indicates that the section was enacted to fulfill U.S. obligations under Article VI to provide for an injury determination on duty-free merchandise.

Moreover, the legislative history of the Trade Agreements Act of 1979 speaks further to the general proposition that the United States is obligated to uphold the principles of the GATT in its domestic law. Given the general framework of Congressional acknowledgement of the GATT as an international agreement that must be

adhered to in domestic law, the Department believes that providing for an injury determination in this case fulfills Congressional intent under the countervailing duty law.

Comment 3: Petitioners claim that the Department has deduced the requirement for an injury determination with respect to the outstanding order on lime from Mexico based on a single word, "levy," in Article VI. The Department's conclusion that "levy" means "assess" duties, thus creating an obligation to conduct an injury investigation on an order that was issued before any right to the injury test existed and in which no injury review is authorized by law, is a misreading of that provision. As used in Article VI, "levy" is merely a general reference to the overall process of imposing countervailing duties and not a specific step in that process, the actual assessment of duties. The definition of "levy" appears in a footnote to Article 4:2 of the "Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade" ("the Subsidies Code") and has meaning only as used in that context, to distinguish between provisional measures and the final assessment of countervailing duties. The definition does not govern, or have any special relevance to, interpreting the term in the context of Article VI. Thus, it does not have the far-reaching significance attributed to it by the Department.

Sonocal responds that the definition of "levy" cannot be restricted solely to the context of the Subsidies Code. The meaning of "levy" in Article VI is logically and properly found in the Subsidies Code, an international agreement concluded with the specific purpose of prescribing the interpretation and application of Article VI. Article VI states that no contracting party shall levy any countervailing duty on the products of another contracting party without a determination of injury and defines the right to an injury determination in absolute terms. The legislative history is also clear that Congress intended section 303(a)(2) to conform the countervailing duty law to Article VI. Consequently, there is no basis for inferring that the term "imposed" in section 303(a)(2) has any legal meaning independent of the term "levy" in Article VI or that a contracting party foregoes its right to an injury determination under Article VI because it became entitled to assert that right only after a countervailing duty order was issued. In fixing the point at which the right to an injury determination must

be accorded, Article VI refers only to the "levy" of duties.

Respondents assert that the term "levy" refers specifically to the final act of assessing countervailing duties. Thus, prior to Mexico's accession to the GATT, the Department was correct in assessing countervailing duties without an injury determination pursuant to section 303(a)(1). However, once Mexico became a contracting party to the GATT, Article VI became effective between the United States and Mexico, and section 303(a)(2) became the controlling statute. Thus, an affirmative injury determination by the ITC is a mandatory prerequisite to any assessment of countervailing duties on lime from Mexico subsequent to August 24, 1986. The exception for outstanding orders asserted by petitioners has no basis in Article VI or the countervailing duty law.

Department's Position: Although it is true that Article VI does not expressly define "levy," the word was used as it was commonly understood at the time, i.e., "imposing and collection of a tax or other payment." Because Mexico's entitlement to an injury determination prescribed by Article VI arose when it became a contracting party to the GATT, the United States cannot collect countervailing duties absent an affirmative injury determination.

Comment 4: Petitioners argue that the precedents for revoking this order cited by the Department, "Indian Fasteners" and "Carbon Steel Wire Rod from Trinidad & Tobago; Preliminary Results of Administrative Review and Tentative Determination to Revoke Countervailing Duty Order" (50 FR 19562; May 9, 1985) ("T & T Wire Rod") are inapplicable. These cases were wrongly decided because the United States' obligation under the GATT for providing an injury determination is prospective only and is required only with respect to investigations initiated after the change in status of the goods or the country involved. These cases also are distinguishable from this case because India and Trinidad & Tobago were contracting parties to the GATT when the countervailing duty investigations were conducted, whereas Mexico acceded to the GATT only after the order on lime was issued.

Respondents concur with the Department's reliance upon the "Indian Fasteners" and "T & T Wire Rod" precedents in making its determination to revoke this order and assert that petitioners have cited no legal precedent to contradict the Department's determinations in those cases. Even though the factual context in this case

may be slightly different from the precedents cited, the legal ramifications are exactly the same; section 303(a)(2) applies to merchandise whenever both factual prerequisites (duty-free status and international obligations) exist and the order in which these prerequisites were met is a distinction without a difference.

Department's Position: We addressed the issue of prospective application of U.S. obligations under Article VI in our response to Comment 1 and stand by our reliance on the "Indian Fasteners" and "T & T Wire Rod" precedents.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP90-73-000 et al.]

Pan American Gas Co., et al.; Natural Gas Certificate Filings

Correction

In notice document 89-27962 beginning on page 49342 in the issue of Thursday, November 30, 1989, make the following corrections:

1. On page 49346, in the second column, under **Transcontinental Gas Pipe Line**, the docket number should read "CP90-132-000".
2. On page 49349, in the first column, under **21. Trunkline Gas Company**, the dateline should read "November 22, 1989."

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Proposed Update to Official Staff Commentary

Correction

In proposed rule document 89-27270 beginning on page 48253 in the issue of Wednesday, November 22, 1989, make the following corrections:

1. On page 48257, in the first column, under **Subpart A—General**, in **Section 226.2—Definitions and Rules of Construction**, in the paragraph designated **3. Charge card**, in the eighth line, "care" should read "card".
2. On the same page, in the same column, under **Subpart A—General**, in **Section 226.2—Definitions and Rules of Construction**, in paragraph 3., in the first

line, "Comment 2(a)(2)-5" should read "Comment 2(a)(20)-5".

3. On the same page, in the second column, in the paragraph designated 6. *Multiple purpose transactions*, in the sixth line, the first "of" should read "or", and in the 13th line "purchase" was misspelled.

4. On the same page, in the same column, under Section 226.5—*General Disclosure Requirements*, in the heading Paragraph 5(b)(1) *Initial disclosure*, "disclosure" should read "disclosures".

5. On the same page, in the third column, in the paragraph designated 5. *Terminology*, in the seventh line, "closed" should read "close".

6. On the same page, in the same column, in the paragraph designated 2. *Noncoverage of "consumer initiate" requests*, "consumer initiate" should read "consumer initiated".

7. On page 48258, in the second column, in the heading 4a(b)(5) *Grace period*, 4a(b)(5) should read 5a(b)(5).

8. On the same page, in the third column, in the first line, "but" should read "that", and in the third line, insert "a" following "of".

9. On page 48259, in the first column, under 5a(e) *Applications and solicitations made available to general public*, in paragraph 2. *Cross-selling*, in the 10th line, "card" should read "car".

10. On the same page, in the second column, in the last line, insert "not" following "need".

11. On page 48260, in the second column, under 5b(a)(1) *General*, in paragraph 4. *Method of providing disclosures*, in the 15th line, "conjunctions" should read "conjunction", and in the 30th line, "employees" should read "employee".

12. On page 48261, in the third column, in paragraph 2. *Fixed rate and term payment options during draw period*, in the 28th line, "§ 26.5b(f)(1)" should read

"§ 226.5b(f)(1)" and in the 31st line,

"§ 26.5b(d)(12)(xi)" should read

"§ 226.5b(d)(12)(xi)".

13. On page 48262, in the first column, in paragraph 2. *Representative examples*, in the 14th line "outstanding" is misspelled; in the 16th line, the first "of" should read "or"; in the 44th line, "disclosure" should read "disclosures"; and in the last line, insert a period following "(d)(5)(iii)".

14. On the same page, in the second column, in paragraph 3. *Reverse mortgages*, at the end of the first line, "mortgages" is misspelled.

15. On page 48263, in the second column, under "Paragraph 5b(d)(12)(x)", in paragraph 1. *maximum rate payment example*, in the seventh line, "disclosure" should read "disclose".

16. On page 48264, in the first column, in paragraph 6. *Rate limitations*, in the third line, insert a period following "example"; in the fifth line, "§ 226.5(d)(12)(ix)" should read "§ 226.5(d)(12)(ix)"; and in the eighth line, "annual" should read "annually".

17. On page 48265, in the first column, under "Paragraph 5b(f)(3)", in paragraph 1. *Scope of provision*, in the 11th line, "later" should read "late".

18. On the same page, in the same column, under "Paragraph 5b(f)(3)", in paragraph 2. *Charges not covered*, in the ninth line, "§ 226.4(d)(92)" should read "§ 226.4(d)(2)".

19. On page 48267, in the third column, in paragraph 5. *Periodic fees*, in the 11th line, "disclose" should read "discloses".

20. On page 48269, in the third column, in paragraph 25, in the heading 19(6) *Certain variable-rate transactions*, "19(6)" should read "19(b)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 88F-0175]

Indirect Food Additives: Polymers

Correction

In rule document 89-27874 beginning on page 49079 in the issue of Wednesday, November 29, 1989, make the following correction:

§ 177.1520 [Corrected]

On page 49080, in the table, in the second entry, move the "Do." from the fifth column to the second column.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 888

[Docket No. 86P-0426]

Hip Joint Metal/Ceramic/Polymer Semi-Constrained Cemented or Nonporous Uncemented Prosthesis; Announcement of Reclassification

Correction

In rule document 89-27375 beginning on page 48238 in the issue of Wednesday, November 22, 1989, make the following correction:

§ 888.3353 [Corrected]

On page 48239, in the second column, in the last line of § 888.3353(a) the word "our" should read "or".

BILLING CODE 1505-01-D

Register

Thursday
December 14, 1989

PART II

Department of Agriculture

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Beans, Rice,
Peas, and Lentils; Final Rule

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Beans, Rice, Peas, and Lentils

AGENCY: Federal Grain Inspection Service.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is amending 7 CFR part 68, subparts B through H to correct miscellaneous nonsubstantive errors, including spelling and format errors appearing in the Code of Federal Regulations.

EFFECTIVE DATE: December 14, 1989.

FOR FURTHER INFORMATION CONTACT: Paul D. Marsden, Federal Grain Inspection Service, USDA, Room 0628 South Building, Box 96454, Washington, DC 20090-6454, telephone: (202) 475-3428.

SUPPLEMENTARY INFORMATION: The Federal Grain Inspection Service is amending 7 CFR part 68, subparts B through H to make miscellaneous nonsubstantive corrections to the text of the regulations, including spelling errors and format errors in certain grade tables for these standards.

In addition, for consistency, FGIS is removing all hyphens as they appear in connection with "long, medium, or short grain rice" in subparts C through E of the part 68 regulations. The titles of two subparts are being amended to spell out "United States" from the abbreviation "U.S." for consistency with other subparts.

These changes are technical and nonsubstantive, and are made to reflect correction to these regulations. Further,

pursuant to section 553(b)(3)(A) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)) (APA), the requirements of general notice of proposed rulemaking do not apply to interpretive rules, general policy statements, or rules regarding agency organization, procedure, or practices. Since this rule relates to general agency management, including procedure and practice, the requirements regarding general notice of rulemaking under the APA do not apply. For the same reasons, the relevant provisions of Departmental Regulation 1512-1, Executive Order 12291, and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are also not applicable.

Additionally, upon good cause, the provisions of section 553(d) of the APA (5 U.S.C. 553(d)) concerning postponing the effective date of a substantive rule until 30 days after publication in the *Federal Register* do not apply to this action which is nonsubstantive in nature.

List of Subjects in 7 CFR Part 68

Administrative practices and procedures—FGIS, Agricultural commodities, Export.

For reasons set forth in the preamble, 7 CFR part 68, subparts B through H are amended as follows:

1. The authority citation for part 68 continues to read as follows:

Authority: Secs 202-208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*).

Subpart B—U.S. Standards for Beans

2. The title of subpart B is revised to read "United States Standards for Beans".

§ 68.121 [Amended]

3. Section 68.121 is amended by removing "§ 68.122" from the end of the section.

Subpart C—United States Standards for Rough Rice

§§ 68.202 and 68.211 [Amended]

4. Subpart C is amended by removing all hyphens wherever they appear after the words "long-", "medium-", and "short-" in § 68.202(c), (h), and as they appear in "Notes" at the end of §§ 68.202(h) and 68.211(b).

§ 68.207 [Amended]

5. Section 68.207 is amended by changing "instructions, for" to read "instructions. For".

Subpart D—U.S. Standards for Brown Rice for Processing

6. The title of Subpart D is revised to read "United States Standards for Brown Rice for Processing."

§ 68.252 [Amended]

7. Subpart D is amended by removing all hyphens wherever they appear after "long-", "medium-", and "short-" in § 68.252 (d), (i), and as they appear in the "Note" at the end of § 68.252(i).

8. Section 68.252 is further amended by removing the phrase "and medium or short grain rice in long grain rice" at the end of paragraph (i)(1)(i).

9. Section 68.261 is revised to read as follows:

Grades, Grade Requirements, and Grade Designations

§ 68.261 Grade and grade requirements for the classes of brown rice for processing. (See also § 68.263.)

Grade	Maximum limits of—									
	Paddy kernels		Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels ¹	Broken kernels removed by a 6 plate or a 6 ½ sieve ²	Other types ³	Well-milled kernels
	Percent	No. in 500 grams	Total (singly or combined)	Heat damaged kernels	Objectionable seeds					
			No. in 500 grams	No. in 500 grams	No. in 500 grams	Percent	Percent	Percent	Percent	
U.S. No. 1		20	10	1	2	1.0	2.0	1.0	1.0	1.0
U.S. No. 2	2.0		40	2	10	2.0	4.0	2.0	2.0	3.0
U.S. No. 3	2.0		70	4	20	4.0	6.0	3.0	5.0	10.0
U.S. No. 4	2.0		100	8	35	8.0	8.0	4.0	10.0	10.0
U.S. No. 5	2.0		150	15	50	15.0	15.0	6.0	10.0	10.0
U.S. Sample grade.....	U.S. Sample grade shall be brown rice for processing which (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive: (b) contains more than 14.5 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) contains more than 0.2 percent of related material or more than 0.1 percent of unrelated material; (f) contains two or more live weevils or other live insects; or (g) is otherwise of distinctly low quality.									

¹ For the special grade Parboiled brown rice for processing, see § 68.263(a).

² Plates should be used for southern production rice and sieves should be used for western production rice, but any device or method which gives equivalent results may be used.

³ These limits do not apply to the class Mixed Brown Rice for Processing.

Subpart E—United States Standards for Milled Rice**§ 68.302 [Amended]**

10. Subpart E is amended by removing all hyphens wherever they appear after "long-", "medium-", and "short" in § 68.302 (d), (i), and as they appear in

the "Note" at the end of § 68.302(i). Section 68.302 is further amended by removing the hyphen between the words "Second-Head Milled Rice" as it appears in the second paragraph of § 68.302(d).

11. Sections 68.310, 68.311, and 68.312 are revised to read as follows:

Grades, Grade Requirements, and Grade Designations

§ 68.310 Grades and grade requirements for the classes Long Grain Milled Rice, Medium Grain Milled Rice, Short Grain Milled Rice, and Mixed Milled Rice. (See also § 68.315.)

Grade	Maximum limits of—											Color requirements ¹	Minimum milling requirements ⁴
	Seeds, heat-damaged and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined) (percent)	Chalky kernels ¹		Broken kernels				Other types ³			
	Total (No. in 500)	Heat damaged kernels and objectionable seeds (No. in 500)		In long-grain rice (percent)	In medium or short grain rice (percent)	Total (percent)	Removed by a 5 plate ² (percent)	Removed by a 6 plate ² (percent)	Through a 6 sieve ²	Whole kernels (percent)	Whole and broken kernels (percent)		
U.S. No. 1	2	1	0.5	1.0	2.0	4.0	0.04	0.1	0.1		1.0	Shall be white or creamy.	Well milled
U.S. No. 2	4	2	1.5	2.0	4.0	7.0	0.06	0.2	0.2		2.0	May be slightly gray.	Well milled
U.S. No. 3	7	5	2.5	4.0	6.0	15.0	0.1	0.8	0.5		3.0	May be light gray.	Reasonably well milled
U.S. No. 4	20	15	4.0	6.0	8.0	25.0	0.4	2.0	0.7		5.0	May be gray or slightly rosy.	Reasonably well milled
U.S. No. 5	30	25	* 6.0	10.0	10.0	35.0	0.7	3.0	1.0	10.0		May be dark gray or rosy.	Lightly milled
U.S. No. 6	75	75	* 15.0	15.0	15.0	50.0	1.0	4.0	2.0	10.0		May be dark gray or rosy.	Lightly milled
U.S. Sample grade.	U.S. Sample grade shall be milled rice of any of these classes which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty or sour, or heating; (d) has any commercially objectionable foreign odor; (e) contains more than 0.1 percent of foreign material; (f) contains two or more live or dead weevils or other insects, insect webbing, or insect refuse; or (g) is otherwise of distinctly low quality.												

¹ For the special grade Parboiled milled rice, see § 68.315(c).

² Plates should be used for southern production rice; and sieves should be used for western production rice, but any device or method which gives equivalent results may be used.

³ These limits do not apply to the class Mixed Milled Rice.

⁴ For the special grade Undermilled milled rice, see § 68.315(d).

⁵ Grade U.S. No. 6 shall contain not more than 6.0 percent of damaged kernels.

§ 68.311 Grades and Grade Requirements for the Class Second Head Milled Rice. (See also § 68.315.)

Grade	Maximum limits of—				Color requirements ¹	Milling requirements (minimum) ²
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined) (percent)	Chalky kernels ¹ (percent)		
	Total (No. in 500 grams)	Heat-damaged kernels and objectionable seeds (No. in 500 grams)				
U.S. No. 1.....	15	5	1.0	4.0	Shall be white or creamy.....	Well milled.
U.S. No. 2.....	20	10	2.0	6.0	May be slightly gray.....	Well milled.
U.S. No. 3.....	35	15	3.0	10.0	May be light gray.....	Reasonably well milled.
U.S. No. 4.....	50	25	5.0	15.0	May be gray or slightly rosy.....	Reasonably well milled.
U.S. No. 5.....	75	40	10.0	20.0	May be dark gray or rosy.....	Lightly milled.
U.S. Sample grade.....	U.S. Sample grade shall be milled rice of this class which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) contains more than 0.1 percent of foreign material; (f) contains two or more live or dead weevils or other insects, insect webbing, or insect refuse; or (g) is otherwise of distinctly low quality.					

¹ For the special grade Parboiled milled rice, see § 68.315(c).

² For the special grade Undermilled milled rice, see § 68.315(d).

§ 68.312 Grades and Grade Requirements for the Class Screenings Milled Rice. (See also § 68.315.)

	Maximum limits of—			Color requirements ¹	Milling requirements (minimum) ²
	Paddy kernels and seeds		Chalky kernels ¹ (percent)		
	Total (singly or combined) (No. in 500 grams)	Objectionable Seeds (No. in 500 grams)			
U.S. No. 1 ^{3 4}	30	20	5.0	Shall be white or creamy	Well milled.
U.S. No. 2 ^{3 4}	75	50	8.0	May be slightly gray	Well milled.
U.S. No. 3 ^{3 4}	125	90	12.0	May be light gray or slightly rosy	Reasonably well milled.
U.S. No. 4 ^{3 4}	175	140	20.0	May be gray or rosy	Reasonably well milled.
U.S. No. 5	250	200	30.0	May be dark gray or very rosy	Lightly milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) has a badly damaged or extremely red appearance; (f) contains more than 0.1 percent of foreign material; (g) contains two or more live or dead weevils or other insects, insect webbing, or insect refuse; or (h) is otherwise of distinctly low quality.				

¹ For the special grade Parboiled milled rice see § 68.315(c).

² For the special grade Undermilled milled rice see § 68.315(d).

³ Grades U.S. No. 1 to U.S. No. 4, inclusive, shall contain not more than 3.0 percent of heat-damaged kernels, kernels damaged by heat and/or parboiled kernels in nonparboiled rice.

⁴ Grades U.S. No. 1 to U.S. No. 4, inclusive, shall contain not more than 1.0 percent of material passing through a 30 sieve.

Subpart G—United States Standards for Split Peas ¹

§ 68.501 [Amended]

12. Section 68.501(k) is amended by removing the phrase "*Pisumsativum*

var. arvense (L.) Poir." and inserting in its place "*(Pisum sativum var. arvense* (L.) Poir.)".

13. Section 68.507 is revised to read as follows:

Grades, Grade Requirements, and Grade Designations

§ 68.507 Grades and grade requirements for split peas. (See also § 68.509.)

Grade	Maximum limits of—					
	Split peas passing through—			Weevil-damaged split peas (percent)	Heat-damaged split peas (percent)	Damaged split peas ¹ (percent)
	¹ / ₁₆ Round-hole sieve (percent)	^{1/₈ Round-hole sieve (percent)}	^{1/₄ Round-hole sieve (percent)}			
U.S. No. 1	3.0	0.5	0.1	0.5	0.2	1.0
U.S. No. 2	15.0	3.0	0.2	1.0	0.5	1.5
U.S. No. 3	25.0	5.0	0.3	1.5	1.0	2.0
U.S. Sample grade	U.S. Sample grade shall be split peas which—(a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain more than 15.0 percent moisture; live weevils, other live insects, insect webbing or filth, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are heating, or are distinctly low quality.					

¹ Compliance with the provisions of these standards does not excuse failure to comply with

the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

Grade	Maximum limits of—							Minimum requirements for color
	Defective peas						Foreign material (percent)	
	Contrasting split peas		Whole peas (percent)	White caps		Bleached peas in green and yellow split peas only (percent)		
	In green and yellow split peas only (percent)	In winter split peas only (percent)		In green and yellow split peas only (percent)	In winter split peas only (percent)			
U.S. No. 1	0.3	0.5	0.5	1.0	1.5	1.5	0.1	Good.
U.S. No. 2	0.8	1.0	1.0	2.0	3.0	3.0	0.2	Fair.
U.S. No. 3	1.5	2.0	2.0	3.0	5.0	5.0	0.5	Poor.

¹ Damaged peas do not include weevil-damaged or heat-damaged peas.

Subpart H—United States Standards for Lentils ¹

§ 68.601 [Amended]

14. Section 68.601 is amended by removing the parenthesis from the word

"Chilean" in paragraphs (a)(2) and (a)(3).

§ 68.607 [Amended]

15. Section 68.607 is revised to read as follows:

Grades, Grade Requirements, and Grade Designations

§ 68.607 Grades and grade requirements for dockage-free lentils. (See also § 68.609)

Grade	Maximum limits of—						Minimum requirements for color
	Defective lentils			Foreign material		Skinned lentils (percent)	
	Total (percent)	Weevil-damaged lentils (percent)	Heat-damaged lentils (percent)	Total (percent)	Stones (percent)		
U.S. No. 1.....	2.0	0.3	0.2	0.2	0.1	4.0	Good.
U.S. No. 2.....	3.5	0.8	0.5	0.5	0.2	7.0	Fair.
U.S. No. 3.....	5.0	0.8	1.0	0.5	0.2	10.0	Fair.
U.S. Sample grade.....	U.S. Sample grade shall be lentils which—(a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain more than 14.0 percent moisture, live weevils, or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are materially weathered, heating or distinctly low quality.						

Dated: November 16, 1989.

W. Kirk Miller,

Administrator.

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