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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[CN-92-001]

RIN 0581-AA64

Revisions of User Fees for Cotton Classification, Testing and Standards; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final rule which was published Tuesday, June 23, 1992 (57 FR 27889). The final rule relates to the user fees charged for cotton classification, testing and cotton standards.

EFFECTIVE DATE: August 5, 1992.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, 202-720-3193.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of these corrections affect members of the public who use the cotton classification services, cotton testing services and cotton standards provided by the Cotton Division of the Agricultural Marketing Service, U.S. Department of Agriculture. These services are provided under the Cotton Statistics and Estimates Act (7 U.S.C. 471-476) in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237, and the United States Cotton Standards Act (7 U.S.C. 51-65). The fees charged for the services provided were increased by the final rule, effective July 1, 1992.

Need for Correction

As published, the paragraph supporting the need for the final rule to

be effective less than thirty days following publication in the *Federal Register* was inadvertently omitted. In addition, a typographical error was made in a table contained in the **SUPPLEMENTARY INFORMATION**.

Correction of Publication

Accordingly, the publication on June 23, 1992 of the final regulations, which were the subject of CN-92-001, is corrected as follows:

1. Under **SUPPLEMENTARY INFORMATION**, on page 27891, in the third column, item 13.1b, the current fee is \$78.00.

2. Also under **SUPPLEMENTARY INFORMATION**, on page 27892, in the first column, the following paragraph is inserted prior to the List of Subjects in 7 CFR Part 28.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the *Federal Register* because the effective date for the new fees is intended to coincide with the beginning of the harvest of new crop cotton. Accordingly, this rule is made effective July 1, 1992.

Dated: July 28, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92-18429 Filed 8-4-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 28

RIN 0581-AA68

[CN-91-010]

Grade Standards for American Upland Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is revising the classification of cotton to provide for the separation of grade into its chief components of color and leaf. Each component will stand on its own so that its effect on end use value or processing capability can be fully and separately evaluated. The Advisory Committee on Universal Cotton Grade Standards met June 11 and 12, 1993, unanimously recommended this change in the

application of the cotton grade standards. This final rule also eliminates the descriptive standards for Light Gray, Gray, and Plus grades, because they are no longer needed to describe special color and leaf combinations. For the same reason, the averaging rule is eliminated. No changes are being made in the fifteen (15) physical standards for grade of American Upland cotton. Fourteen of the twenty-nine (29) descriptive standards are eliminated, resulting in a cost savings. The Agency's ability to provide useful and cost-effective classification, standardization and market news services is enhanced by this final rule.

EFFECTIVE DATE: August 5, 1993.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn (202) 720-3193.

SUPPLEMENTARY INFORMATION: A proposed rule detailing this change in the application of the cotton grade standards was published on May 20, 1992 in the *Federal Register* (57 FR 21358). A thirty-day comment period was provided for interested persons to respond to the proposed rule, and only one written comment, in support of the action, was received. The Advisory Committee on Universal Cotton Standards met during June 11 and 12 to consider the proposal in Memphis Tennessee, and the members voted unanimously to recommend that USDA adopt the proposal without any modifications. Therefore, this rule is being finalized as proposed.

This final rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be "non-major" since it does not meet the criteria for a major regulatory action as stated in the Order.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule does 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 Administrator of AMS has certified that this action 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.*). The changes do not impose any significant additional costs or duties upon users of the service or any other segment of the cotton industry and therefore do not have the requisite economic impact. Further, the standards are applied equally to all size entities by employees of the Department.

There are no information collection requirements contained in this final rule.

Pursuant to the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*), any standard or change or replacement to the standards shall become effective not less than one year after the date promulgated. It is important that the changes in this final rule become effective with the beginning of the 1993 crop year on July 1, 1993, so that classification of the entire 1993 crop can be based upon the same application of the standards.

Background

Pursuant to the authority contained in the United States Cotton Standards Act, the Secretary of Agriculture maintains official cotton standards of the United States for the grades of American Upland cotton. These standards are used for the classification of American Upland cotton and provide a basis for the determination of value for commercial purposes.

The existing official cotton standards for the grades of American Upland cotton are listed and described in the regulations at (7 CFR 28.402-28.475). There are 15 physical standards represented by practical forms, and 29 descriptive standards for which practical forms are not made. Six of the descriptive standards describe the poorest quality cotton which make up the Below Grade classification (7 CFR 28.475).

The first grade standards for American Upland cotton were formally promulgated by USDA in 1914. They have been revised several times since, mainly because of changing varietal characteristics and advances in harvesting and ginning practices. The last complete revision of the standards became effective in 1987 (51 FR 23037).

Need for Revising Standards

The Secretary's Advisory Committee on Universal Cotton Standards unanimously recommended that the two major components of grade—color and leaf—be determined and recorded separately, beginning with the 1993 crop. Each component will stand clearly on its own so that its effect on end use value or processing capability can be fully and separately evaluated. Manufacturers will be able to decide the utility value of

each component, and can send clear signals to producers by means of premiums and discounts.

The current grading system combines color and trash into composite grades, complicating the individual evaluation of these components. The separation of the composite grade into its chief components of color and leaf enhances USDA's ability to provide useful and cost-effective cotton classification, standardization, and market news services.

Revisions

The existing official cotton standards for the grades of American Upland cotton listed and described in the regulations at (7 CFR 28.402-28.480) are replaced by these standards.

There are 30 official cotton standards established by this final rule for color grades of American Upland cotton. Of these 30 standards, 15 are physical standards represented by the currently existing practical forms and 15 are descriptive standards for which practical forms are not made. The 15 physical standards for color grades each have the same color ranges as are currently maintained in the corresponding physical standards for the grades of American Upland Cotton for Good Middling, Strict Middling, Middling, Strict Low Middling, Low Middling, Strict Good Ordinary, Good Ordinary, Strict Middling Spotted, Middling Spotted, Strict Low Middling Spotted, Low Middling Spotted, Strict Good Ordinary Spotted, Middling Tinged, Strict Low Middling Tinged, and Low Middling Tinged described at 7 CFR 28.402, 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434, 28.435, 28.442, 28.443, and 28.444. Ten of the descriptive color standards for which practical forms will not be made have the same color ranges as currently described in the standards for the grades of American Upland cotton for Good Middling Light Spotted, Strict Middling Light Spotted, Middling Light Spotted, Strict Low Middling Light Spotted, Low Middling Light Spotted, Strict Good Ordinary Light Spotted, Good Middling Spotted, Strict Middling Tinged, Strict Middling Yellow Stained, and Middling Yellow Stained described at 7 CFR 28.420, 28.421, 28.422, 28.423, 28.424, 28.425, 28.430, 28.441, 28.451, and 28.452. The remaining five descriptive color standards for which practical forms are not made describe the poorest quality cotton and make up the Below Color Grade Standards. These below color grade standards are Below Good Ordinary Color, Below Strict Good Ordinary Light Spotted Color, Below Strict Good Ordinary Spotted Color,

Below Low Middling Tinged Color, and Below Middling Yellow Stained Color.

Eight official cotton standards are established by this final rule for leaf grades of American Upland cotton. Of these, seven are physical standards represented by currently existing practical forms and one is a descriptive standard to describe the poorest quality cotton for which practical forms are not made. These seven physical standards for leaf grades each have the same leaf content ranges as currently maintained in the corresponding physical standards for the white grades of American Upland Cotton for Good Middling, Strict Middling, Middling, Strict Low Middling, Low Middling, Strict Good Ordinary, and Good Ordinary described at 7 CFR 28.402, 28.403, 28.405, 28.407, 28.409, 28.411, and 28.413. The descriptive Below Leaf Grade Standard is described as containing more leaf than Leaf Grade Standard 7.

For practical considerations, the white color standards and the leaf standards established by this final rule are represented by the same set of samples. There is one container for the Good Middling color that has leaf content of Leaf Grade 1, one container for Strict Middling color that has Leaf Grade 2, one container for Middling color that has Leaf Grade 3, one container for Strict Low Middling color that has Leaf Grade 4, one container for Low Middling color that has Leaf Grade 5, one container for Strict Good Ordinary color that has Leaf Grade 6, and one container for Good Ordinary color that has Leaf Grade 7.

Additionally, the containers for the physical standards for the Spotted color and the Tinged color standards established by this final rule shall have leaf content equivalent to that of the corresponding white standards. There will be one container for the Strict Middling Spotted color that has Leaf Grade 2, one container for Middling Spotted color that has Leaf Grade 3, one container for Strict Low Middling Spotted color that has Leaf Grade 4, one container for Low Middling Spotted color that has Leaf Grade 5, one container for Strict Good Ordinary Spotted color that has Leaf Grade 6, one container for Middling Tinged color that has Leaf Grade 3, one container for Strict Low Middling Tinged color that has Leaf Grade 4, and one container for Low Middling Tinged color that has Leaf Grade 5.

The table of symbols and code numbers used in lieu of cotton grade names in 7 CFR 28.525 are revised to reflect these changes.

In addition, authority citations are revised as appropriate.

List of Subjects in 7 CFR Part 28

Administrative practice and procedure, Cotton, Reporting and recordkeeping requirements, Warehouses.

For the reasons set out in the preamble, this final rule amends title 7, chapter I, part 28, subpart C, of the Code of Federal Regulations as follows:

1. The Table of Contents for § 28.401 to 28.480 and the undesignated centerheads for those sections, as revised and added, now read as follows:

PART 28—[AMENDED]

Subpart C—Standards

Official Cotton Standards of the United States for the Color Grade of American Upland Cotton

White Cotton

- 28.401 Good Middling Color.
- 28.402 Strict Middling Color.
- 28.403 Middling Color.
- 28.404 Strict Middling Color.
- 28.405 Low Middling Color.
- 28.406 Strict Good Ordinary Color.
- 28.407 Good Ordinary Color.

Light Spotted Cotton

- 28.411 Good Middling Light Spotted Color.
- 28.412 Strict Middling Light Spotted Color.
- 28.413 Middling Light Spotted Color.
- 28.414 Strict Low Middling Light Spotted Color.
- 28.415 Low Middling Light Spotted Color.
- 28.416 Strict Good Ordinary Light Spotted Color.

Spotted Cotton

- 28.421 Good Middling Spotted Color.
- 28.422 Strict Middling Spotted Color.
- 28.423 Middling Spotted Color.
- 28.424 Strict Low Middling Spotted Color.
- 28.425 Low Middling Spotted Color.
- 28.426 Strict Good Ordinary Spotted Color.

Tinged Cotton

- 28.431 Strict Middling Tinged Color.
- 28.432 Middling Tinged Color.
- 28.433 Strict Low Middling Tinged Color.
- 28.434 Low Middling Tinged Color.

Yellow Stained Cotton

- 28.441 Strict Middling Yellow Stained Color.
- 28.442 Middling Yellow Stained Color.

Below Color Grade Cotton

- 28.451 Below Color Grade Cotton.

Leaf Grades

- 28.461 Leaf Grade 1.
- 28.462 Leaf Grade 2.
- 28.463 Leaf Grade 3.
- 28.464 Leaf Grade 4.
- 28.465 Leaf Grade 5.
- 28.466 Leaf Grade 6.
- 28.467 Leaf Grade 7.

Below Leaf Grade Cotton

- 28.471 Below Leaf Grade Cotton.

General

- 28.480 General.

2. The undesignated centerheading following § 28.307 is revised to read as follows:

Official Cotton Standards of the United States for the Color Grade of American Upland Cotton

3. The authority citation for part 28, subpart C, Official Cotton Standards of the United States for the Color Grade of American Upland Cotton, is revised to read as follows:

Authority: Section 28.401 to 28.451 issued under Sec. 10, 42 Stat. 1519; (7 U.S.C. 61). Interpret or apply Sec. 6, 42 Stat. 1518, as amended; (7 U.S.C. 56), unless otherwise noted.

4. Sections 28.408, 28.409, and 28.410 are removed; § 28.401 is added immediately following the undesignated centerheading "White Cotton"; and §§ 28.402, 28.403, 28.404, 28.405, 28.406, and 28.407 are revised to read as follows:

White Cotton

§ 28.401 Good Middling Color.

Good Middling Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Middling, effective July 1, 1987."

§ 28.402 Strict Middling Color.

Strict Middling Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective July 1, 1987."

§ 28.403 Middling Color.

Middling Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective July 1, 1987."

§ 28.404 Strict Low Middling Color.

Strict Low Middling Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States,

American Upland, Strict Low Middling, effective July 1, 1987."

§ 28.405 Low Middling Color.

Low Middling Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective July 1, 1987."

§ 28.406 Strict Good Ordinary Color.

Strict Good Ordinary Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary, effective July 1, 1987."

§ 28.407 Good Ordinary Color.

Good Ordinary Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective July 1, 1987."

5. Sections 28.411, 28.412, and 28.413 are revised; §§ 28.414, 28.415, and 28.416 are added; and an undesignated centerhead is added immediately preceding § 28.411 to read as follows:

Light Spotted Cotton

§ 28.411 Good Middling Light Spotted Color.

Good Middling Light Spotted Color is color which in spot or color, or both, is between Good Middling Color and Good Middling Spotted Color.

§ 28.412 Strict Middling Light Spotted Color.

Strict Middling Light Spotted Color is color which in spot or color, or both, is between Strict Middling Color and Strict Middling Spotted Color.

§ 28.413 Middling Light Spotted Color.

Middling Light Spotted Color is color which in spot or color, or both, is between Middling Color and Middling Spotted Color.

§ 28.414 Strict Low Middling Light Spotted Color.

Strict Low Middling Light Spotted Color is color which in spot or color, or both, is between Strict Low Middling Color and Strict Low Middling Spotted Color.

§ 28.415 Low Middling Light Spotted Color.

Low Middling Light Spotted Color is color which in spot or color, or both, is between Low Middling Color and Low Middling Spotted Color.

§ 28.416 Strict Good Ordinary Light Spotted Color.

Strict Good Ordinary Light Spotted Color is color which in spot or color, or both, is between Strict Good Ordinary Color and Strict Good Ordinary Spotted Color.

6. The undesignated centerheading preceding § 28.420 is revised; § 28.420 is removed; §§ 28.421, 28.422, 28.423, 28.424, and 28.425 are revised; and § 28.426 is added, to read as follows:

Spotted Cotton**§ 28.421 Good Middling Spotted Color.**

Good Middling Spotted Color is color which is better than Strict Middling Spotted Color.

§ 28.422 Strict Middling Spotted Color.

Strict Middling Spotted Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Spotted, effective July 1, 1987."

§ 28.423 Middling Spotted Color.

Middling Spotted Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Spotted, effective July 1, 1987."

§ 28.424 Strict Low Middling Spotted Color.

Strict Low Middling Spotted Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Spotted, effective July 1, 1987."

§ 28.425 Low Middling Spotted Color.

Low Middling Spotted Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Spotted, effective July 1, 1987."

§ 28.426 Strict Good Ordinary Spotted Color.

Strict Good Ordinary Spotted Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary Spotted, effective July 1, 1987."

7. The undesignated centerheading preceding § 28.430 is revised; §§ 28.430 and 28.435 are removed; §§ 28.431, 28.432, 28.433, and 28.434 are revised to read as follows:

Tinged Cotton**§ 28.431 Strict Middling Tinged Color.**

Strict Middling Tinged Color is color which is better than Middling Tinged Color.

§ 28.432 Middling Tinged Color.

Middling Tinged Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Tinged, effective July 1, 1987."

§ 28.433 Strict Low Middling Tinged Color.

Strict Low Middling Tinged Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Tinged, effective July 1, 1987."

§ 28.434 Low Middling Tinged Color.

Low Middling Tinged Color is color which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Tinged, effective July 1, 1987."

8. The undesignated centerheading preceding § 28.441 is revised; §§ 28.441 and 28.442 are revised; and §§ 28.443 and 28.444 are removed to read as follows:

Yellow Stained Cotton**§ 28.441 Strict Middling Yellow Stained Color.**

Strict Middling Yellow Stained Color is color which is deeper than that of Strict Middling Tinged Color.

§ 28.442 Middling Yellow Stained Color.

Middling Yellow Stained Color is American Upland cotton which in color is deeper than Middling Tinged Color.

9. The undesignated centerheading preceding § 28.451 is revised; § 28.451 is revised; and § 28.452 is removed to read as follows:

Below Color Grade Cotton**§ 28.451 Below Color Grade Cotton.**

Below color grade cotton is American Upland cotton which is lower in color grade than Good Ordinary, or Strict Good Ordinary Light Spotted, or Strict Good Ordinary Spotted, or Low Middling Tinged, or Middling Yellow Stained. In cotton classification, the official designation for such cotton is Below Color Grade. The term Below Good Ordinary Color, or Below Strict Good Ordinary Light Spotted Color, or Below Strict Good Ordinary Spotted Color, or Below Low Middling Tinged Color, or Below Middling Yellow Stained Color and other additional explanatory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates.

10. An undesignated centerheading following § 28.451 is added to read as follows:

Official Cotton Standards of the United States for the Leaf Grade of American Upland Cotton

11. The authority citation for part 28, subpart C, Official Cotton Standards of the United States for the Leaf Grade of American Upland Cotton, is added, and the authority citation following § 28.482 is removed, to read as follows:

Authority: Sections 28.461 to 28.482 issued under Sec. 10, 42 Stat. 1519; (7 U.S.C. 61). Section 28.482 also issued under Sec. 3c, 50 Stat. 62 (7 U.S.C. 473c) and 90 Stat. 1841-1846 as amended (7 U.S.C. 15b). Interpret or apply Sec. 6, 42 Stat. 1518, as amended; (7 U.S.C. 56), unless otherwise noted.

12. The undesignated centerheading immediately preceding § 28.460 is revised; § 28.460 is removed; §§ 28.461, 28.462, and 28.463 are revised; and §§ 28.464, 28.465, 28.466, and 28.467 are added to read as follows:

Leaf Grades**§ 28.461 Leaf Grade 1.**

Leaf Grade 1 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States,

American Upland, Good Middling, effective July 1, 1987."

§ 28.462 Leaf Grade 2.

Leaf Grade 2 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective July 1, 1987."

§ 28.463 Leaf Grade 3.

Leaf Grade 3 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective July 1, 1987."

§ 28.464 Leaf Grade 4.

Leaf Grade 4 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling, effective July 1, 1987."

§ 28.465 Leaf Grade 5.

Leaf Grade 5 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective July 1, 1987."

§ 28.466 Leaf Grade 6.

Leaf Grade 6 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary, effective July 1, 1987."

§ 28.467 Leaf Grade 7.

Leaf Grade 7 is leaf which is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective July 1, 1987."

13. The undesignated centerheading preceding § 28.470 is revised; § 28.470 is removed; § 28.471 is revised; and § 28.472, § 28.473, the undesignated centerheading immediately preceding § 28.475, and § 28.475 are removed to read as follows:

Below Leaf Grade Cotton

§ 28.471 Below Leaf Grade Cotton.

Below leaf grade cotton is American Upland cotton which is lower in leaf grade than Leaf Grade 7. In cotton classification, the official designation for such cotton is Below Leaf Grade. Other additional explanatory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates.

14. Section 28.480 is revised to read as follows:

General

§ 28.480 General.

(a) American Upland cotton which in color is within the range of the color standards established in this part shall be designated according to the color standard irrespective of the leaf content. American Upland cotton which in leaf is within the leaf standards established in this part shall be designated according to the leaf standard irrespective of the color.

(b) The term preparation is used to describe the degree of smoothness or roughness with which cotton is ginned and the relative neppiness or nappiness of the ginned lint. Normal preparation for any color grade of American Upland cotton for which there is a physical color standard shall be that found in the physical color standard. Normal preparation for any color grade of American Upland cotton for which there is a descriptive color standard shall be that found in the physical standards for color used to define the descriptive color grade. Explanatory terms considered necessary to adequately describe the preparation of cotton may be entered on classification memorandums or certificates.

15. The authority citation for part 28, subpart C, Official Cotton Standards of the United States for the Grade of American Pima Cotton, is revised to read as follows:

Authority: Secs. 28.501 to 28.510 issued under Sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply Sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

Symbols and Code Numbers Used in Recording Cotton Classification

16. The authority citation for part 28, subpart C, Symbols and Code Numbers Used in Recording Cotton Classification, is added to read as follows:

Authority: Sec. 28.525 issued under Sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply Sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

17. In § 28.525, paragraph (a) is revised, paragraphs (b) and (c) are

redesignated as paragraphs (c) and (d), and a new paragraph (b) is added to read as follows:

§ 28.525 Symbols and code numbers.

(a) Symbols and Code numbers used for Color Grades of American Upland Cotton.

Color grade	Symbol	Code No.
Good Middling	GM	11
Strict Middling	SM	21
Middling	Mid	31
Strict Low Middling	SLM	41
Low Middling	LM	51
Strict Good Ordinary	SGO	61
Good Ordinary	GO	71
Good Middling Light Spotted.	GM Lt Sp	12
Strict Middling Light Spotted.	SM Lt Sp	22
Middling Light Spotted	Mid Lt Sp	32
Strict Low Middling Light Spotted.	SLM Lt Sp	42
Low Middling Light Spotted.	LM Lt Sp	52
Strict Good Ordinary Light Spotted.	SGO Lt Sp	62
Good Middling Spotted	GM Sp	13
Strict Middling Spotted	SM Sp	23
Middling Spotted	Mid Sp	33
Strict Low Middling Spotted.	SLM Sp	43
Low Middling Spotted	LM Sp	53
Strict Good Ordinary Spotted.	SGO Sp	63
Strict Middling Tinged	SM Tg	24
Middling Tinged	Mid Tg	34
Strict Low Middling Tinged.	SLM Tg	44
Low Middling Tinged	LM Tg	54
Strict Middling Yellow Stained.	SM YS	25
Middling Yellow Stained	Mid YS	35
Below Grade—(Below Good Ordinary).	BG	81
Below Grade—(Below Strict Good Ordinary Light Spotted).	BG	82
Below Grade—(Below Strict Good Ordinary Spotted).	BG	83
Below Grade—(Below Low Middling Tinged).	BG	84
Below Grade—(Below Middling Yellow Stained).	BG	85

(b) Symbols and Code Numbers used for Leaf Grades of American Upland Cotton.

Leaf grade	Symbol	Code No.
Leaf Grade 1	LG1	1
Leaf Grade 2	LG2	2
Leaf Grade 3	LG3	3
Leaf Grade 4	LG4	4
Leaf Grade 5	LG5	5
Leaf Grade 6	LG6	6
Leaf Grade 7	LG7	7
Below Leaf Grade	BLG	8

Dated: July 31, 1992.
 Kenneth C. Clayton,
 Acting Administrator.
 [FR Doc. 92-18621 Filed 8-4-92; 8:45 am]
 BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children (WIC) Participation and Homeless Individuals

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends an interim regulation, published December 14, 1989, governing the Special Supplemental Food Program for Women, Infants and Children (WIC), implementing the mandates of section 212 of the Hunger Prevention Act of 1988 (Pub. L. 100-435), enacted on September 19, 1988. The purpose of this rulemaking is to facilitate participation of otherwise eligible homeless persons in WIC. In accordance with the Act, this rulemaking defines "homeless individual" and specifically identifies WIC as a supplement to food assistance which may be provided by soup kitchens, shelters, and other forms of emergency food assistance. The definition of "homeless individual" specifies types of overnight facilities whose otherwise eligible residents must be granted access to WIC when caseload is available if such facilities meet conditions insuring that the individuals, not the facility, benefits from the program. The rulemaking also affords State agencies the option to extend WIC benefits to persons associated with other residential facilities, called "institutions," provided that the same conditions are met. Also pursuant to legislative mandates, the rule requires State agencies to include in their State plans a description of how they will provide Program benefits to, and meet the special nutritional and nutrition education needs of, homeless individuals; a plan for disseminating information about program availability and eligibility to organizations serving the homeless; and a plan to establish a homeless facility's or an institution's compliance with the three mandatory conditions.

These regulations further require that competent professional authorities take into account the special needs and problems of homeless individuals when prescribing supplemental foods. Finally, States may, under the final rule, request

permission from the Food and Nutrition Service (FNS) to make substitutions for foods required in the food packages in order to accommodate the circumstances of the homeless.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Ronald J. Vogel, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia, 22302, (703) 305-2746.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This final rule has been reviewed by the Assistant Secretary for Food and Consumer Services under Executive Order 12291, and has been determined to be not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of \$100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to that review, the Administrator of the Food and Nutrition Service has certified that this final rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

A number of reporting and recordkeeping burdens were included in the interim rule, published December 14, 1989, for Sections 246.4, 246.7(i), and 246.10. Those burdens were approved by OMB, under control number 0584-0382, for use through December 31, 1992. No changes in the reporting/recordkeeping burden have been incorporated into the final rule.

Executive Order 12372

The Special Supplemental Food Program for Women, Infants and Children (WIC) is listed in the Catalog of Federal Domestic Assistance Programs under 10.557 and is subject to Executive Order 12372, which requires intergovernmental consultation with

State and local officials (7 CFR part 3015, subpart V, and 48 FR 29114 (June 24, 1983)).

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any state or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the "EFFECTIVE DATE" paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In this WIC Program, the administrative procedures are as follows: (1) Local agencies and vendors—State agency hearing procedures issued pursuant to 7 CFR 246.18; (2) applicants and participants—State agency hearing procedures issued pursuant to 7 CFR 246.9; (3) sanctions against State agencies (but not claims for repayment assessed against a State agency) pursuant to 7 CFR 246.19—administrative appeal in accordance with 7 CFR 246.22; and (4) procurement by State or local agencies—administrative appeal to the extent required by 7 CFR 3016.36.

Background

There have never been specific, direct regulatory barriers to the participation of homeless persons in the WIC Program, such as the need for a fixed address or a durational residency requirement. State agencies could, within the parameters of the regulations, accommodate the special needs of the homeless, e.g., by tailoring homeless participants' food packages to include, for example, ultra-high temperature (UHT) milk, which does not have to be refrigerated, or smaller, single-serving packages of cereal or juice. Current regulations also permit adaptations of food delivery systems, such as issuing more food instruments for smaller quantities of food to homeless participants, so that storage is not necessary.

Given the considerable latitude already available to States regarding service to the homeless, the enactment of Public Law 100-435 did not radically alter existing WIC Program operations. The statutory definition of "homeless individual" found at section 212(a) of Public Law 100-435 (Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))) specifies the types of overnight