of the enterprise's acquisition of an interest in a for-hire transportation company, the employee shall have nine months within which to dispose of the interest.

(2) In cases of financial hardship where the relationship or interest is not prohibited by 49 U.S.C. 10301(d) or 10306(e), the Designated Agency Ethics Official may grant a written waiver of the prohibition in paragraph (a) of this section based on a determination that application of the prohibition is not necessary to ensure public confidence in the impartiality and objectivity with which the Commission's programs are administered or to avoid a violation of part 2635 of this title.

§ 5001.103 Impartiality determinations for members of the Interstate Commerce Commission.

A member is an "agency designee" for the purposes of making an impartiality disqualification determination under 5 CFR 2635.502(d) with respect to the member's own participation in a Commission proceeding. This determination must be made in consultation with the Designated Agency Ethics Official.

§ 5001.104 Prior approval for outside employment.

(a) Before engaging in any outside employment, whether or not for compensation, an employee of the Interstate Commerce Commission, other than a Commissioner, must obtain the written approval of his or her supervisor and the Designated Agency Ethics Official (DAEO). Requests for approval shall be forwarded through normal supervisory channels to the DAEO and shall include, at a minimum, the following:

(1) A statement of the name of the person, group, or other organization for whom the work is to be performed; the type of work to be performed; and the proposed hours of work and approximate dates of employment;

(2) The employee's certification that the outside employment will not depend in any way on information obtained as a result of the employee's official Government position;

(3) The employee's certification that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

(4) The employee's certification that he or she has read, is familiar with, and will abide by the restrictions contained in all applicable Federal laws and regulations, including those found in 18 U.S.C. chapter 11 and those found or referenced in subpart H ("Outside Activities") of 5 CFR part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch); and

(5) The written approval of the employee's immediate supervisor.

(b) Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation.

(c) For purposes of this section, "employment" means any form of non-Federal employment, business relationship or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. Prior approval is not required, however, to participate in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless such activities involve the provision of professional services or advice or are for compensation other than reimbursement for expenses.

49 CFR CHAPTER X—INTERSTATE COMMERCE COMMISSION

PART 1000—THE COMMISSION

2. The authority citation for part 1000 continues to read as follows:

Authority: 49 U.S.C. 10303, 10321, 11144, and 11145.

3. Part 1000 is amended by removing subparts B, C and D.

[FR Doc. 93-18871 Filed 8-5-93; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[CN-93-001]

RIN 0581-4475

User Fees for Cotton Classification Services to Growers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is making final the decrease in user fees charged to cotton growers from $1.92 per bale to $1.87 per bale for cotton classification services under the Cotton Statistics and Estimates Act in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987.

In addition, AMS will eliminate the cotton linters standards and the classification service for cotton linters. There has been virtually no demand for official linters classification services in recent years. The cost of maintaining the cotton linters standards is no longer justified.

This action also eliminates manual classification services for American Pima cotton. Since the quality data that is provided under manual classification is now provided as part of the High Volume Instrument (HVI) classification service, it has been determined that there is no practical reason to continue to provide manual classification as a separate service.

EFFECTIVE DATE: August 6, 1993.

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

SUPPLEMENTARY INFORMATION: A proposed rule detailing the revision in fees and the elimination of cotton linters standards and manual classification service for American Pima Cotton was published on June 10, 1993, in the **Federal Register** (58 FR 32454). A 15-day comment period was provided for interested persons to respond to the proposed rule; one comment was received.

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 would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Acting Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) the fee decrease reflects a decrease in the cost-per-unit currently borne by those entities utilizing the services; (2) the cost decrease will not affect competition in the marketplace; and (3) the use of classification services and the purchase of standards is voluntary.

The information collection requirements contained in this final rule have been previously approved by the Office of Management and Budget and assigned OMB control numbers under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The revision of the user fee paid by cotton growers for cotton classification services and the elimination of manual classification services for American Pima cotton will become effective upon publication in the **Federal Register**. The elimination of the cotton linters standards and the cotton linters classification services, will become effective one year after the date on which the final rule is published, as provided by the Cotton Standards Act.

Fees for Classification Under the Cotton Statistics and Estimates Act of 1927

The user fee charged to cotton producers for High Volume Instrument (HVI) classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was $1.92 per bale during the 1992 harvest season as determined using the formula provided in the Uniform Cotton Classing Fees Act of 1987. The fees cover salaries, cost of equipment and supplies, and other overhead costs, including administrative and supervisory costs.

The establishment of standards and the preparation and maintenance of standards are necessary for providing grower classification services. The revised fees include seven cents per bale to recover standardization costs, including standards which must be freshly prepared each year. These costs must be recovered by the user fees charged to growers for cotton classification services because it is anticipated that they will no longer be covered by appropriated funds beginning on October 1, 1993.

This final rule establishes the user fee charged to producers for High Volume Instrument (HVI) classification at $1.87 per bale during the 1993 harvest season.

Public Law 102–237 amended the formula in the Uniform Cotton Classing Fees Act for establishing the producer's classification fee so that the producer's fee is based on the prevailing method of classification requested by producers during the previous year. HVI classing was the prevailing method of cotton classification requested by producers in 1992. Therefore, the 1993 producer's user fee for classification service is based on the 1992 base fee for HVI classification.

The fee was calculated by applying the formula specified in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102–237. The 1992 base fee for HVI classification exclusive of adjustments, as provided by the Act, was $1.86 per bale. A 2.5 percent, or five cents per bale increase due to the implicit price deflator of the gross domestic product added to the $1.86 resulted in a 1993 base fee of $1.91 per bale. The formula in the Act provides for the use of the percentage change in the implicit price deflator of the gross national product (as indexed for the most recent 12-month period for which statistics are available). However, this has been replaced by the gross domestic product by the Department of Commerce as a more appropriate measure for the short-term monitoring and analysis of the U.S. economy.

The number of bales to be classed by the United States Department of Agriculture from the 1993 crop is estimated at 16,386,442. The 1993 base fee was decreased 15 percent based on the estimated number of bales to be classed (one percent for every 100,000 bales or portion thereof above the base of 12,500,000, limited to a maximum adjustment of 15 percent). This percentage factor amounts to a 29 cents per bale reduction and was subtracted from the 1993 base fee of $1.91 per bale, resulting in a fee of $1.62 per bale.

The formula requires addition of a five cents per bale surcharge to the $1.62 per bale fee since the projected operating reserve would be less than 25 percent. The five cent surcharge resulted in a 1993 season fee of $1.67 per bale. Assuming a fee of $1.67, the projected operating reserve would be 1.4 percent. An additional 20 cents per bale was required to provide an ending accumulated operating reserve for the fiscal year of at least 10 percent of the projected cost of operating the program. This establishes the 1993 season fee at $1.87 per bale.

This rule also eliminates manual classification services for American Pima cotton. Since the quality data that is provided under manual classification (grade, staple, and micronaire) is now provided as part of the HVI classification service, it has been determined that there is no practical reason to continue to provide manual classification as a separate service.

Accordingly, in § 28.909, paragraphs (b) and (c) are revised to reflect the decrease in the HVI classification fees and the elimination of manual classification service for American Pima Cotton.

As provided for in the Uniform Cotton Classing Fees Act of 1987, as amended, a five cent per bale discount is continued to be applied to voluntary centralized billing and collecting agents as specified in § 28.909(d).

Growers or their designated agents will continue to incur no additional fees if only one method of receiving classification data is requested. The fee for each additional method of receiving classification data in § 28.910 remains at five cents per bale, and it is applicable even if the same method is requested. Punched computer cards will still be used for the dissemination of classification data, but bar coded, printed cards will no longer be available, because there is an insufficient demand for the use of this method. This change is reflected in § 28.910 (a). The other provisions of § 28.910, concerning the fee for an owner receiving classification data from the central database and the fee for new classification memoranda issued for the business convenience of such an owner without reclassification of the cotton, remain the same.

The fee for review classification in § 28.911 is decreased from $1.92 per bale to $1.87 per bale. The fee for returning samples after classification in § 28.911 remains at 40 cents per sample.

Discontinuation of the Cotton Linters Standards and Classification Services Under the U.S. Cotton Standards Act

The demand for cotton linters classification and cotton linters standards offered under the U.S. Cotton Standards Act has diminished in recent years to the point where the industry demand is practically nil and does not justify the cost of preparing and maintaining the linters standards and providing the linters classification service.

One comment concerning the proposed rule was received from a national farm industry organization. The commenter expressed support for the rule as proposed.

Accordingly, § 28.2 (n) and (j) are revised to remove the cotton linters references, and 28.2 (o) is deleted. References to the classification of cotton linters are also be removed from §§ 28.9, 28.122 and 28.175. The subheading "United States Cotton Linters", which appears before § 28.136 is deleted, as is all of the sections under it.

The heading *Subpart B—Classification for Foreign Growth Cotton and Cotton Linters* and § 28.175 are revised to remove the words "* * * and cotton linters". General information on linters classification services, § 28.184, is deleted, as is the subheading "Official Cotton Linters Standards of the United States for

Grade", which appears before § 28.201, as is all of the sections under it. The subheading "Official Cotton Linters Standards of United States for Staple", which appears before § 28.215, is removed, as is all of the sections under it.

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 regulatory revision of the user fees in this regulation are required by the Act governing the services and the effective date for the new fees is intended to coincide with the beginning of the harvest of new crop cotton, as provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102–237. Accordingly, this rule is made effective on August 6, 1993.

List of Subjects in 7 CFR Part 28

Administrative practice and procedures, Cotton, Cotton linters, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set forth in the preamble, 7 CFR Part 28 is amended as follows:

PART 28—[AMENDED]

Subpart A—[Amended]

1. The authority citation for subpart A of part 28 continues to read as follows:

Authority: Sec. 5, 50 Stat. 62, as amended (7 U.S.C. 55); Sec. 10, 42 Stat. 1519 (7 U.S.C. 61).

2. In § 28.2, paragraph (o) is removed, paragraphs (p) through (v) are redesignated (o) through (u), and paragraphs (j) and (n) are revised to read as follows:

§ 28.2 Terms defined.

* * * * *

(j) *Quality Control Section.* The national classing supervision office at Memphis, Tennessee performing final review of cotton classification.

* * * * *

(n) *Cotton.* The word *cotton* means cotton of any variety produced within the continental United States. In this subpart, for administrative convenience the word "cotton" is used to signify vegetable hair removed from cottonseed in the usual process of ginning.

* * * * *

3. Section 28.9 is revised to read as follows:

§ 28.9 Inspection; sampling; classification.

The inspection, sampling, and classification of cotton in the United States pursuant to the Act shall be performed as prescribed in this subpart. Subject in general to the provisions of this subpart the Director may issue from time to time instructions for the sampling, classification, and issuance of classification memoranda for cotton classed for special programs and other Government agencies, including the review of any classification performed pursuant to §§ 28.901 through 28.919.

4. Section 28.122 is amended by revising the first sentence to read as follows:

§ 28.122 Fee for practical classing examination.

The fee for the practical classing examination for cotton shall be $105.00. * * *

§§ 28.136–28.151 [Removed]

5. The undesignated center heading *United States Cotton Linters*, and §§ 28.136 through 28.151 under that heading are removed.

Subpart B—[Amended]

6. The authority citation for subpart B of part 28 continues to read as follows:

Authority: Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624).

7. The subpart heading for subpart B of part 28 is revised to read as follows:

Subpart B—Classification for Foreign Growth Cotton

8. Section 28.175 is revised to read as follows:

§ 28.175 Administrative and general.

Insofar as applicable, and not inconsistent with this subpart, the provisions of subpart A of this part shall likewise apply to the classification and comparison of cotton produced outside the continental United States.

§ 28.184 [Removed]

9. Section 28.184 is removed.

Subpart C—[Amended]

10. The authority citation for the undesignated center heading preceding §§ 28.301 to 28.307 in Subpart C is revised to read as follows:

§§ 28.215–28.222 [Removed]

11. In Subpart C—Standards, the undesignated center heading, its authority citation, and its Sections 28.201 through 28.208 and the undesignated center heading, its authority citation and its §§ 28.215 through 28.222 are removed.

Authority: Sections 28.301 to 28.307 issued under Sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U.S.C. 56, 26 U.S.C. 4854.

Subpart D—[Amended]

12. The authority citation for subpart D of part 28 continues to read as follows:

Authority: Sec. 3a, 50 Stat. 62, as amended (7 U.S.C. 473a); sec. 3c, 50 Stat. 62 (7 U.S.C. 473c); unless otherwise noted.

13. In § 28.909, paragraph (b) is removed, paragraph (c) is redesignated as (b) and revised to read as follows, paragraph (d) is redesignated as (c):

§ 28.909 Costs.

* * * * *

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is $1.87 per bale.

* * * * *

14. In § 28.910, paragraph (a) is amended by removing (a)(5), and the introductory text of paragraph (a) and (a)(1) through (a)(4) is revised to read as follows (the concluding text of paragraph (a) remains unchanged):

§ 28.910 Classification of samples and issuance of classification data.

(a) The samples submitted as provided in the subpart shall be classified by employees of the Division and classification memoranda showing the official quality determination of each sample according to the official cotton standards of the United States shall be issued by any one of the following methods at no additional charge:

(1) Computer punchcards,

(2) Computer diskettes,

(3) Computer tapes, or

(4) Telecommunications, with all long distance telephone line charges paid by the receiver of data.

* * * * *

15. In § 28.911, the last sentence of paragraph (a) is revised to read as follows:

§ 28.911 Review classification.

(a) * * * The fee for review classification is $1.87 per bale.

* * * * *

Dated: August 2, 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–18868 Filed 8–5–93; 8:45 am]

BILLING CODE 3410–02–P

Commodity Credit Corporation

7 CFR Part 1427

RIN 0560–AD36

Upland Cotton Adjusted World Price—Coarse Count Adjustment

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations to update the list of upland cotton qualities eligible for the coarse count adjustment. This change is required to conform with revisions made in the grade standards for the 1993 and future crops of upland cotton. This action is authorized by section 103B of the Agricultural Act of 1949 (1949 Act), as amended. The effect of the amendment is to make the qualities that were eligible for the coarse count adjustment under the old grading system eligible under the new grading system.

DATES: Effective August 1, 1993. Comments must be received on or before September 7, 1993, in order to be assured of consideration.

ADDRESSES: Submit comments to: Director, Fibers and Rice Analysis Division (FRAD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), room 3754–S, P.O. Box 2415, Washington, DC 20013–2415.

FOR FURTHER INFORMATION CONTACT: Janise Zygmont, FRAD, ASCS, USDA, room 3754–S, P.O. Box 2415, Washington, DC 20013–2415 or call 202–720–6734.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulation 1512–1 and has been classified as "nonmajor." It has been determined that the provisions of this interim rule will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, State, or local governments or geographical regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since 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 not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

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: Cotton Production Stabilization—10.052.

Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of the interim rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

This amendment will not result in any change in the public reporting burden. Therefore, the information collection requirements of the Paperwork Reduction Act are not applicable to these amendments.

Background

Starting with the 1993 marketing year, the schedule of CCC loan premiums and discounts for U.S. upland cotton will express the former "grade" as separate color grade and leaf components. As a result, terms previously used to describe certain upland cotton qualities have changed. Section 1427.25(f)(1) is amended to clarify which qualities of upland cotton are eligible for the coarse count adjustment beginning with the 1993 marketing year. The effect of the amendment is to make the qualities that were eligible for the coarse count adjustment under the old grading system eligible under the new grading system.

Interested persons are invited to submit written comments on the interim rule changes. Comments must be received by September 7, 1993, in order to be assured of consideration.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs/agriculture, Packaging and containers, Price support programs, Reporting and record-keeping requirements, Surety bonds, Warehouses.

Accordingly, 7 CFR part 1427 is amended as follows:

PART 1427—COTTON

1. The authority citation for 7 CFR part 1427 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1444, and 1444–2, 15 U.S C. 714b and 714c.

2. Section 1427.25(f)(1) is revised to read as follows:

§ 1427.25 Determination of the prevailing world market price and the adjusted world price (AWP) for upland cotton.

* * * * *

(f)(1)(i) The adjusted world price, as determined in accordance with paragraph (c) of this section, shall be subject to further adjustments as provided in this section with respect to all qualities of upland cotton eligible for price support loan except the following grades of upland cotton with a staple length of 1⅒ inch or longer:

(A) White Grades—Strict Middling and better, leaf 1 through leaf 6; Middling, leaf 1 through leaf 6; Strict Low Middling, leaf 1 through leaf 6; and Low Middling, leaf 1 through leaf 5,

(B) Light Spotted Grades—Strict Middling and better, leaf 1 through leaf 5; Middling, leaf 1 through leaf 5; and Strict Low Middling, leaf 1 through leaf 4; and

(C) Spotted Grades—Strict Middling and better, leaf 1 through leaf 2.

(ii) Grade and Staple length must be determined in accordance with § 1427 9 If no such official classification is presented, the coarse count adjustment shall not be made.

* * * * *

Signed at Washington, DC on July 28, 1993

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93–18865 Filed 8–5–93; 8:45 am]

BILLING CODE 3410–05–P