

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 75

[Docket No. LS-94-011]

RIN 0581-AB35

Increase Seed Inspection Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to increase the applicable fees for testing seed under the voluntary seed inspection and certification program. The fees which will be paid by the users of the service are intended to generate sufficient revenue to offset the costs of operating the program.

DATES: Written comments must be received by February 3, 1995.

ADDRESSES: Send written comments in duplicate to James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, Building 506, BARC-E, Beltsville, Maryland 20705. Comments should reference Docket No. LS-94-011. Comments received will be made available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, 301-504-9430.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

The proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. The 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 judicial challenge to the provision of this rule.

This action was also reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Administrator of AMS has determined that this action will not have a substantial economic impact on a significant number of small entities. Although some seed growers and shippers using this service may be classified as small entities, the effect of the increased fees will be minimal. Under the proposal the cost for a typical test will increase from about \$57.00 to approximately \$64.50. It is estimated that the total revenue generated by this increase will be approximately \$15,000 annually.

Background

This proposed rule is authorized by the Agricultural Marketing Act (AMA) of 1946, as amended, 7 USC 1621 *et seq.* Section 203(h) of the AMA authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of service rendered. This revision is to increase the fees to be charged for the inspection and certification of quality of agricultural and vegetable seeds to reflect the Department's cost of operating the program.

The purpose of the voluntary program is to promote efficient, orderly marketing of seeds, and assist in the development of new and expanding markets. Under the program samples of agricultural and vegetable seeds submitted are tested for factors such as purity and germination at the request of the applicant for the service. In addition, grain samples, submitted at the applicant's request, by the Grain Inspection, Packers and Stockyards Administration are examined for the presence of certain weed and crop seed. A Federal Seed Analysis Certificate is issued giving the test results. Of 1650 samples tested in fiscal year 1994 most represented seed or grain scheduled for export. Many importing countries require a Federal Seed Analysis Certificate on United States seed.

After reviewing the current costs the department has determined that the present fee is insufficient to cover the department's cost of operation. The fee increase is necessary to offset increased salaries and fringe benefits to personnel, as well as increases in rent and other

costs of operating the program. Based on the Agency's analysis of the increased costs, AMS is proposing to increase the hourly rate for voluntary service from \$35.40 to \$40.40 per hour. In addition, the cost of issuing additional duplicate original certificates will be increased from \$8.85 to \$10.10. Approximately one-fourth hour is required to issue additional duplicate certificates.

List of Subjects in 7 CFR Part 75

Administrative practice and procedure, Agricultural commodities, Reporting and record keeping requirements, Seeds, Vegetables.

For reasons set forth in the preamble, it is proposed that 7 CFR Part 75 be amended as follows:

PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS.

1. The authority citation for Part 75 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, and 1090, as amended (7 U.S.C. 1622 and 1624).

§ 75.41 [Amended]

2. § 75.41 is amended by removing "\$35.40" and adding in its place "\$40.40".

§ 75.47 [Amended]

3. § 75.47 is amended by removing "\$8.85" and adding in its place "\$10.10".

Dated: December 28, 1994.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 95-153 Filed 1-3-95; 8:45 am]

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7 CFR Part 1050

[DA-95-09]

Milk in the Central Illinois Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend the aggregate limits on the amount of producer milk that may be diverted