

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 330

#### Recruitment, Selection, and Placement (General)

##### *CFR Correction*

In Title 5 of the Code of Federal Regulations, parts 1 to 699, revised as of January 1, 2000, on page 210, in the second column, the first §330.702 is removed.

[FR Doc. 00-55516 Filed 10-24-00; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

#### Foreign Quarantine Notices

##### *CFR Correction*

In Title 7 of the Code of Federal Regulations, parts 300 to 399, revised as of January 1, 2000, on pages 322 and 323, beginning in the first column, the second §319.74-3 and §319.74-4 should be removed.

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## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### 7 CFR Part 735

##### RIN 0560-AF13

#### Amendments to the Regulations for Cotton Warehouses Regarding the Delivery of Stored Cotton

AGENCY: Farm Service Agency, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule codifies the delivery standard for cotton stored in warehouses licensed under the United States Warehouse Act (USWA) and those warehouses issuing electronic warehouse receipts under the USWA (7 U.S.C. 241 *et seq.*). The final rule adopts, with minor changes based on public comments, a proposed rule published in the **Federal Register** on May 28, 1999, (64 FR 28938) and an advanced notice of proposed rulemaking (ANPRM) published in the **Federal Register** on May 26, 1998 (63 FR 28488). The Department of Agriculture (USDA) is taking this action as the result of two U.S. District Court orders that remanded USDA to define the statutory phrase "without unnecessary delay" as set forth in the USWA. Concurrently, several segments of the cotton industry requested the implementation of a uniform national cotton shipping standard for the delivery of stored cotton. This final rule amends the regulations covering cotton to define the USWA statutory phrase "without unnecessary delay" as used in the USWA, and sets a standard for determining whether a warehouse operator delivers stored cotton timely by establishing a uniform cotton shipping standard for the delivery of stored cotton.

**EFFECTIVE DATE:** October 25, 2000.

**FOR FURTHER INFORMATION CONTACT:** Steve Mikkelsen, Deputy Director, Warehouse and Inventory Division, Farm Service Agency, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250-0553; telephone (202) 720-2121 or FAX (202) 690-3123, e-mail: Steve\_Mikkelsen@wdc.fsa.usda.gov. Persons with disabilities who require alternative means for communication of regulatory information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:**

#### Executive Order 12866

The Office of Management and Budget has reviewed this final rule and determined the rule to be significant for the purposes of Executive Order 12866.

#### Cost-Benefit Assessment

A Cost-Benefit Assessment (CBA) was prepared. The costs associated with the implementation of the rule will be minimal to all parties involved. The CBA summarized the cost and benefit impact of the rule as follows:

The cotton industry will benefit from USDA establishing a shipping standard that it can apply through arbitration or legal proceedings to determine whether a warehouse operator is delivering stored cotton "without unnecessary delay." Establishment of a uniform shipping standard will help: (1) Maintain the competitiveness of U.S. cotton in domestic and world markets; (2) improve the prices that producers receive in those areas affected by delivery delays; (3) eliminate any disruption in commerce due to uncertainty of delivery expectations; and (4) a standard that may be applied to arbitration or legal proceedings to determine whether a warehouse operator is delivering cotton "without unnecessary delay."

Copies of the CBA are available upon request from the Warehouse and Inventory Division, Farm Service Agency, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250-0553.

#### Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. The provisions of this final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

#### Environmental Evaluation

An environmental evaluation has determined that this action will not have significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### Executive Order 12612

It has been determined that this final rule is consistent with the Federalism principals espoused in Executive Order 12612, and does not warrant the preparation of a Federalism Assessment.

#### Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which require intergovernmental