

DEPARTMENT OF AGRICULTURE**Grain Inspection, Packers and Stockyards Administration****7 CFR Part 810****Request for Public Comment on the United States Standards for Sorghum**

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is initiating a review of the United States Standards for Sorghum. GIPSA invites comments and suggested changes to these standards.

DATES: Comments must be received on or before February 17, 2004.

ADDRESSES: Written comments must be submitted to Tess Butler at GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250-3604; faxed to (202) 690-2755; or e-mailed to comments.gipsa@usda.gov. Please indicate your comment refers to United States Standards for Sorghum.

All comments received are available for public inspection at Room 1652, South Building, 1400 Independence Avenue, SW., Washington, DC, during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT:

Marianne Plaus, telephone (202) 690-3460 at GIPSA, USDA, Room 2409 North/South Building, 1400 Independence Avenue, SW., Washington, DC 20250-3630; Fax Number (202) 720-1015.

SUPPLEMENTARY INFORMATION: On August 14, 1998, GIPSA published an Advance Notice of Proposed Rulemaking in the **Federal Register** (63 FR 43641) requesting views and comments on the sorghum standards. Based on comments received, GIPSA determined that the U.S. Standards for Sorghum were meeting the needs of producers, shippers, and others who handle and market sorghum and that no changes were needed at that time.

Recently, the National Grain Sorghum Producers (NGSP), an association representing U.S. grain sorghum farmers nationwide, has requested that GIPSA initiate a review of the sorghum standards. NGSP would welcome the opportunity to clarify several definitions in the current standards to more accurately reflect advancements in sorghum genetics and better reflect what is relevant to deriving value in the marketplace. GIPSA is seeking all comments that will assist the Agency in making the standards more relevant in

the contemporary market. Accordingly, GIPSA is initiating a review of the United States Standards for Sorghum in Subpart I of 7 CFR part 810 at §§ 810.1401-810.1405.

During this review, GIPSA will assess the need for revisions on the various sections of the United States Standards for Sorghum, the potential for improvements, and language clarity.

GIPSA invites any comments and suggestions concerning these standards, and the benefits and costs of any changes including, but not limited to, those addressing sorghum classification, definitions, and grade limits.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71, *et seq.*)

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

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DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1230**

[No. LS-03-08]

Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 (Act) and the Pork Promotion, Research, and Consumer Information Order (Order) issued thereunder, this proposed rule would decrease by five-hundredths to seven-hundredths of a cent per pound the amount of the assessment per pound due on imported pork and pork products to reflect a decrease in the 2002 average price for domestic barrows and gilts. This proposed action would bring the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals. In addition, this rule deletes two live porcine animal Harmonized Tariff Schedule (HTS) numbers—0103.91.0000 and 0103.92.0000—and adds five new live porcine animal HTS numbers 0103.91.0010, 0103.91.0020, 0103.91.0030, 0103.92.0010, and 0103.92.0090—to the table in § 1230.110(a) in order to update the HTS numbers used for live porcine animals.

DATES: Comments must be received by January 16, 2004.

ADDRESSES: Send comments to Kenneth R. Payne, Chief; Marketing Programs Branch, Room 2638-S; Livestock and Seed Program; Agricultural Marketing Service (AMS), USDA; STOP 0251; 1400 Independence Avenue, SW., Washington, DC 20250-0251.

Comments may also be submitted electronically to

PorkComments@usda.gov or by fax at (202) 720-1125. All comments should reference the document number (LS-03-08), the date, and the page number of this issue of the **Federal Register**. Comments will be available for public inspection via the Internet at <http://www.ams.usda.gov/lsg/mpb/rp-pork.htm> or during regular business hours, 8 a.m. to 4:30 p.m. eastern time, Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Payne, Chief, Marketing Programs Branch, (202) 720-1115.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposal is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with the law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which a person resides or