

but determined that even relaxed inspection and weighing requirements would still place an undue burden on these types of shipments.

#### Executive Order 12866 and Effect on Small Entities

This interim final rule has been determined not to be significant for the purpose of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

This rule would provide regulatory relief to both large and small businesses. The Small Business Administration (SBA) defines small businesses by their North American Industry Classification System Codes (NAICS).<sup>1</sup> The SBA defines small grain exporters in its regulations (13 CFR 121.201) as entities having less than \$7,000,000 in average annual receipts (NAICS code 115114). GIPSA believes this waiver effectively eliminates a cost impact on all high quality specialty grain exporters that would otherwise have to pay for GIPSA's onsite inspection and weighing services, without impairing the objectives of the USGSA. GIPSA estimates that there are currently 32 small and 8 large businesses (as defined by the SBA) operating as exporters of high quality specialty grain.

Pursuant to requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601–612), GIPSA has considered the economic impact of this interim rule on small entities and has determined that its provisions would not have a significant economic impact on a substantial number of small entities. GIPSA invites interested parties to comment on the impacts of this action on small businesses and on whether this waiver should be made permanent.

The growing market for high quality specialty grain exported in containers has caused shippers of high quality specialty grains to exceed the 15,000 metric ton waiver threshold for export inspection and weighing. GIPSA has consulted with its Grain Inspection Advisory Committee (Advisory Committee) on this issue. GIPSA's Advisory Committee is composed of members representing grain producers, handlers, processors, and exporters. The Advisory Committee has advocated that GIPSA make permanent the waiver for high quality specialty grains exported in containers. While GIPSA agrees with the Advisory Committee that permanently waiving high quality specialty grains exported in containers is consistent with the intent of the USGSA and will

allow this market to continue to grow, GIPSA is issuing this interim final rule to (1) extend by 2 years the waiver, and (2) request that interested parties comment on whether this waiver should instead be made permanent.

This interim rule will continue to allow exporters of high quality specialty grains shipped in containers to ship high quality specialty grain without the cost burden of mandatory inspection and weighing, while allowing them to request the service when desired. Relieving this cost burden will continue to allow the industry to grow and equitably compete with global competitors.

#### Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. The USGSA provides in section 87g (7 U.S.C. 87g) that no State or subdivision thereof may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the USGSA. Otherwise, this interim rule would not preempt any State or local laws, or 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 interim rule.

#### Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the information collection and recordkeeping included in this interim rule were approved by Office of Management and Budget under Control No. 0580–0022, and expire on May 31, 2012. This information collection continues to be necessary in order for GIPSA to ensure that exporters of high quality specialty grain shipped in containers comply with the waiver provisions contained in § 800.18 (7 CFR 800.18) of the regulations issued under the USGSA.

#### E-Government Compliance

GIPSA is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

#### List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

■ For reasons set out in the preamble, 7 CFR Part 800 is amended as follows:

## PART 800—GENERAL PROVISIONS

■ 1. The authority citation for Part 800 continues to read as follows:

**Authority:** 7 U.S.C. 71–87k.

■ 2. In § 800.0, paragraph (b)(44) is revised to read as follows:

#### § 800.0 Meaning of terms.

\* \* \* \* \*

■ (b) \* \* \*

(44) *High Quality Specialty Grain.* Grain sold under contract terms that specify all factors exceed the grade limits for U.S. No. 1 grain, except for the factor test weight, or specify “organic” as defined by 7 CFR Part 205. This waiver expires on July 31, 2012.

\* \* \* \* \*

■ 3. In § 800.18, paragraph (b)(8) is revised to read as follows:

#### § 800.18 Waivers of the official inspection and Class X weighing requirements.

\* \* \* \* \*

(b) \* \* \*

(8) *High Quality Specialty Grain Shipped in Containers.* Official inspection and weighing requirements do not apply to high quality specialty grain exported in containers. Records generated during the normal course of business that pertain to these shipments must be made available to the Service upon request, for review or copying. These records must be maintained for a period of 3 years. This waiver expires on July 31, 2012.

**J. Dudley Butler,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

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## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

#### 7 CFR Part 4280

**RIN 0570-AA71**

#### Rural Microentrepreneur Assistance Program; Correction

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Correcting amendments.

**SUMMARY:** The Agency published an Interim Rule in the **Federal Register** of May 28, 2010, [75 FR 30114] establishing a technical and financial assistance program for qualified microenterprise development organizations to support microentrepreneurs in the development

<sup>1</sup> See: [http://www.sba.gov/idc/groups/public/documents/sba\\_homepage/serv\\_std\\_tablepdf.pdf](http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_std_tablepdf.pdf).

and ongoing success of rural microenterprises. This document has an incorrect definition of "nonprofit entity," contains an incomplete definition of "rural or rural area," and has an incorrect cross-reference.

**DATES:** Effective July 19, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Lori Washington, (202) 720-9815.

**SUPPLEMENTARY INFORMATION:**

**Need for Correction**

As published, the interim rule contains two incorrect definitions and an incorrect cross-reference.

The definition of "nonprofit entity" refers to a "private entity chartered as a nonprofit entity under State law." By including reference to "private entity," this definition restricts nonprofits from being eligible applicants if they are not private nonprofits. It was not the intention of the Agency to restrict eligible nonprofits to only private entities. Therefore, the Agency is deleting the word "private" for the definition on nonprofit entity.

The 2008 Farm Bill, which authorizes the Rural Microentrepreneur Assistance Program (RMAP), made several revisions to the rural area definition for programs administered under the Consolidated Farm and Rural Development Act. The definition of "rural or rural area" inadvertently excludes mandatory language from the 2008 Farm Bill "rural area" definition. Therefore, the Agency is revising this definition to be consistent with the 2008 Farm Bill.

In § 4280.315(d)(5) of the interim rule, there is an incorrect cross-reference to § 4280.316(e). The correct cross-reference is § 4280.316(d).

**List of Subjects in 7 CFR Part 4280**

Business programs, Grant programs, Loan programs, Microenterprise development organization, Microentrepreneur, Rural areas, Rural development, Small business.

■ Accordingly, 7 CFR part 4280 is corrected by making the following correcting amendments:

**PART 4280—LOANS AND GRANTS**

■ 1. The authority citation for part 4280 continues to read as follows:

*Authority:* 7 U.S.C. 1989(a), 7 U.S.C. 2009s.

**Subpart D—Rural Microentrepreneur Assistance Program**

■ 2. Section 4280.302(a) is corrected in the definition for "Nonprofit entity" by removing the words "A private" and

adding in their place the word "An", and the definition for "Rural or rural area" is revised to read as follows:

**§ 4280.302 Definitions and abbreviations.**

(a) \* \* \*

\* \* \* \* \*

*Rural or rural area.* Any area of a State not in a city or town that has a population of more than 50,000 inhabitants, according to the latest decennial census of the United States, and the contiguous and adjacent urbanized area, and any area that has been determined to be "rural in character" by the Under Secretary for Rural Development, or as otherwise identified in this definition. In determining which census blocks in an urbanized area are not in a rural area, the Agency will exclude any cluster of census blocks that would otherwise be considered not in a Rural Area only because the cluster is adjacent to not more than two census blocks that are otherwise considered not in a rural area under this definition.

(i) For the purposes of this definition, cities and towns are incorporated population centers with definite boundaries, local self government, and legal powers set forth in a charter granted by the State.

(ii) For the Commonwealth of Puerto Rico, the island is considered rural and eligible for Business Programs assistance, except for the San Juan Census Designated Place (CDP) and any other CDP with greater than 50,000 inhabitants. CDPs with greater than 50,000 inhabitants, other than the San Juan CDP, may be determined to be eligible if they are "not urban in character." Any such requests must be forwarded to the National Office, Business and Industry Division, with supporting documentation as to why the area is "not urban in character" for review, analysis, and decision by the Rural Development Under Secretary.

(iii) For the State of Hawaii, all areas within the State are considered rural and eligible for Business Programs assistance, except for the Honolulu CDP within the County of Honolulu.

(iv) For the purpose of defining a rural area in the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, the Agency shall determine what constitutes rural and rural area based on available population data.

(v) On the petition of a unit of local government in an area described in paragraph (v)(A) or (B) of this definition, or on the initiative of the Under Secretary for Rural Development, the Under Secretary may determine that part of an area described in paragraph

(v)(A) or (B) of this definition, is a rural area for the purposes of this paragraph, if the Under Secretary finds that the part is "rural in character", as determined by the Under Secretary.

(A) An urbanized area that has two points on its boundary that are at least 40 miles apart, which is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or the urbanized area of such a city or town; or

(B) An urbanized area contiguous and adjacent to a city or town of greater than 50,000 population that is within one-quarter mile of a rural area.

\* \* \* \* \*

**§ 4280.315 [Corrected]**

■ 3. In § 4280.315(d)(5), remove the reference "§ 4280.316(e)" and add, in its place, "§ 4280.316(d)."

Dated: July 13, 2010.

**Judith A. Canales,**

*Administrator, Rural Business-Cooperative Service.*

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**FEDERAL TRADE COMMISSION**

**16 CFR Part 305**

[RIN 3084-AB03]

**Appliance Labeling Rule**

**AGENCY:** Federal Trade Commission ("FTC" or "Commission").

**ACTION:** Final rule; opportunity for comment.

**SUMMARY:** Section 321 of the Energy Independence and Security Act of 2007 requires the Commission to consider the effectiveness of current labeling requirements for lamps (commonly referred to as light bulbs) and alternative labeling approaches. After holding a public meeting, conducting consumer research, issuing proposed changes to existing labeling requirements, and reviewing public comments, the Commission announces final amendments to the lamp labeling requirements in the Appliance Labeling Rule. The Commission also seeks further comment on several issues for consideration in any subsequent rulemaking.

**DATES:** The amendments published in this document will become effective **July 19, 2011** except for the amendments to § 305.8 which will become effective **August 18, 2010**. Comments must be received on or before September 20, 2010.