

EU's supply and demand situation for dairy products, as well as to changes in the U.S. market.

**Conclusion:** The quota-fill rates for Swiss, Gruyere, and low-fat type cheeses have continued to remain low even after transfer to the lottery system in recent years. Market conditions are always subject to fluctuation and change, and it is incumbent upon all license holders to adjust to these changing conditions. To allow additional time to adjust to changes in EU supply and demand, due to its long-term dairy policy changes, the Department will again temporarily suspend the historical license reduction provisions for a period of 5 years, commencing January 1, 2011. Historical license reductions will again be implemented beginning 2016, as set forth in the proposed rule. In 2016, historical license reductions will be based on import data from years 2011 through 2015.

#### List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy products, and Imports.

■ For the reasons set out in the preamble, 7 CFR part 6 is amended as follows:

#### PART 6—IMPORT QUOTAS AND FEES

##### Subpart—Dairy Tariff-Rate Import Quota Licensing

■ 1. The authority citation for part 6 subpart—Dairy Tariff-Rate Import Quota Licensing, continues to read as follows:

**Authority:** Additional U.S. Notes 6, 7, 8, 12, 14, 16–23, and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97–258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103–465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

■ 2. Section 6.25 (b) is revised to read as follows:

##### § 6.25 Allocation of Licenses.

\* \* \* \* \*

(b) *Historical licenses for the 2011 and subsequent quota years (Appendix 1).*

(1) A person issued a historical license for the 2010 quota year will be issued a historical license in the same amount for the same article from the same country for the 2011 quota year and for each subsequent quota year except that:

(i) Beginning with the 2016 quota year, a person who has surrendered more than 50 percent of such historical license in at least three of the prior 5 quota years will thereafter be issued a

license in an amount equal to the average annual quantity entered during those 5 quota years.

(ii) [Reserved]

\* \* \* \* \*

Issued at Washington, DC, the 30th day of November 2010.

**Robert Riemenschneider,**

*Acting Administrator, Foreign Agricultural Service.*

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#### DEPARTMENT OF AGRICULTURE

##### Grain Inspection, Packers and Stockyards Administration

##### 7 CFR Part 802

[Docket # GIPSA–2010–FGIS–0012]

RIN 0580–AB19

##### Official Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems

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

**ACTION:** Direct final rule.

**SUMMARY:** The Grain Inspection, Packers and Stockyards Administration (GIPSA) Federal Grain Inspection Service (FGIS) is amending the regulations issued under the United States Grain Standards Act (USGSA), as amended, to incorporate by reference the applicable requirements of the 2008 edition of the National Institute of Standards and Technology (NIST) Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” (NIST Handbook 44, issued October 2007).

**DATES:** This rule is effective March 8, 2011 without further action, unless adverse comments or written notice of intent to submit adverse comments are received by January 7, 2011. If adverse comments are received, GIPSA will publish a timely withdrawal of the rule in the **Federal Register**. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of March 8, 2011.

**ADDRESSES:** We invite you to submit comments on this direct final rule by any of the following methods:

• **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• **Mail:** Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., room 1643–S, Washington, DC 20260–3642.

• E-mail comments to [comments.gipsa@usda.gov](mailto:comments.gipsa@usda.gov).

• **Fax:** (202) 690–2173.

**Instructions:** All comments will become a matter of public record and should be identified as “NIST Handbook 44 IBF Comments,” making reference to the date and page number of this issue of the **Federal Register**. Comments will be available for public inspection at <http://www.regulations.gov> and in the above office during regular business hours (7 CFR 1.27(b)). Please contact the GIPSA Management Support Staff at (202) 720–7486 to make an appointment to read the comments received.

##### FOR FURTHER INFORMATION CONTACT:

Robert S. Lijewski, Director, Field Management Division by E-mail at [robert.s.lijewski@usda.gov](mailto:robert.s.lijewski@usda.gov), or by telephone at (202) 720–0228.

##### SUPPLEMENTARY INFORMATION:

##### Background

Under the provisions of the USGSA (7 U.S.C. 71–87k), grain exported from the U.S. must be officially inspected and weighed. Sections 802 and 802.1 of the USGSA regulations (7 CFR 802.0–802.1) set forth certain procedures, specifications, tolerances, and other technical requirements for grain weighing equipment and related grain handling systems used in performing Class X and Class Y official weighing services. GIPSA management has reviewed these regulations and determined that they still serve their intended purpose, are consistent with GIPSA’s statutory authority and policy, and should remain in effect. In order to update the USGSA regulations, however, GIPSA is incorporating by reference the 2008 edition of NIST Handbook 44 into the USGSA regulations (7 CFR 802.0(a)). Those provisions in NIST Handbook 44 that obviously do not pertain to GIPSA services are not being incorporated and are listed in section 802.0(b) of the USGSA regulations (7 CFR 802.0(b)).

##### Direct Final Action

GIPSA is revising § 802.0(a) of the USGSA regulations (7 CFR 802.0(a)) by incorporating by reference the following sections only of the 2008 edition of NIST Handbook 44:

Section 1.10	General Code
Section 2.20	Scales
Section 2.22	Automatic Bulk Weighing Systems
Section 2.23	Weights

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice prior to putting this

direct final rule in effect because GIPSA regularly updates this section of the USGSA regulations to incorporate by reference NIST Handbook 44. Further, GIPSA views this action as noncontroversial and anticipates no adverse public comment. This rule will be effective, as published in this document, 90 days after the date of publication in the **Federal Register**, unless GIPSA receives written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**. Adverse comments are considered to be those comments that suggest the rule should not be adopted or suggest the rule should be changed.

If GIPSA receives written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. GIPSA will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered thoughtfully, and a final rule addressing the comments will be published.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601–612), it has been determined that this rule will not have a significant economic impact on a substantial number of small entities. GIPSA has determined that most users of the official weighing service and those entities that perform these services do not meet the requirements for small entities. This rule will affect entities engaged in shipping grain to and from points within the United States and exporting grain from the United States. GIPSA estimates approximately 9,000 off farm storage facilities and 57 export elevators in the United States could receive official weighing services by GIPSA, delegated States, or designated agencies. GIPSA also estimates this rule affects 18 scale manufacturing and 39 scale service companies who provide weighing equipment and service to these elevators and storage facilities. Eight GIPSA field offices, 2 Federal/State offices, 4 GIPSA sub offices, 7 delegated States, and 25 designated agencies provide official weighing service. Under provisions of the USGSA, it is not mandatory for non-export grain to be officially weighed

except for grain being loaded onto ships located in export port locations. Further, most users of the official weighing services and those entities that perform these services do not meet the requirements for small entities. Even though some users could be considered small entities, this rule only updates regulatory requirements that make GIPSA weighing guidelines consistent with State weights and measures organizations' laws and regulations that automatically adopt NIST Handbook 44 on a yearly basis. Updating these requirements will help manufacturers of weighing equipment and grain elevators avoid making, installing, and maintaining equipment to meet two sets of design and performance requirements for commercial and official weighing to meet old as well as new specifications. Since regulated entities are required under State law to comply with NIST Handbook 44, no additional cost or burden is expected to result from this action.

#### **Executive Order 12988**

This direct final 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 direct final 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 direct final rule.

#### **Paperwork Reduction Act**

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements in Part 802 have been approved previously by OMB No. 0580–0013 which expires on April 30, 2011.

#### **E-Government Act 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 802**

Administrative practice and procedure, Export, Grain, Incorporation

by reference, Reporting and recordkeeping requirements.

■ For reasons set forth in the preamble, 7 CFR Part 802 is amended as follows:

### **PART 802—OFFICIAL PERFORMANCE AND PROCEDURAL REQUIREMENTS FOR GRAIN WEIGHING EQUIPMENT AND RELATED GRAIN HANDLING SYSTEMS**

■ 1. The authority citation for Part 802 continues to read as follows:

**Authority:** 7 U.S.C. 71–87k.

■ 2. Section 802.0 is revised to read as follows:

#### **§ 802.0 Applicability.**

(a) The requirements set forth in this part 802 describe certain specifications, tolerances, and other technical requirements for grain weighing equipment and related grain handling systems used in performing Class X and Class Y weighing services, official inspection services, and commercial services under the Act. All scales used for official grain weight and inspection certification services provided by FGIS must meet applicable requirements contained in the FGIS Weighing Handbook, the General Code, the Scales Code, the Automatic Bulk Weighing Systems Code, and the Weights Code of the 2008 edition of National Institute of Standards and Technology (NIST) Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices” (Handbook 44); and NIST Handbook 105–1 (1990 Edition), “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures,” (Handbook 105–1). These requirements are confirmed to be met by having National Type Evaluation Program type approval. Scales used for commercial purposes will be required to meet only the applicable requirements of the 2008 edition of the NIST Handbook-44. Pursuant to the provisions of 5 U.S.C. 552(a), with the exception of the Handbook 44 requirements listed in paragraph (b), the materials in Handbooks 44 and 105–1 are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register**. This incorporation by reference was approved by the Director of the Federal Register on March 8, 2011, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The NIST Handbooks are for sale by the National Conference of Weights and Measures (NCWM), 1135 M Street, Suite 110, Lincoln, Nebraska 68508. Information on these materials

may be obtained from NCWM by calling 402-434-4880, by E-mailing [nfo@ncwm.net](mailto:nfo@ncwm.net), or on the Internet at <http://www.nist.gov/owm>.

(b) The following Handbook 44 requirements are not incorporated by reference:

#### *Scales (2.20)*

- S.1.8. Computing Scales
- S.1.8.2. Money-Value Computation
- S.1.8.3. Customer's Indications
- S.1.8.4. Recorded Representations, Point of Sale
- S.2.5.2. Jeweler's, Prescription, & Class I & II Scales
- S.3.3. Scoop Counterbalance
- N.1.3.2. Dairy-Product Test Scales
- N.1.5. Discrimination Test (Not adopted for Grain Test Scales only)
- N.1.8. Material Tests
- N.3.1.2. Interim Approval
- N.3.1.3. Enforcement Action For Inaccuracy
- N.4. Coupled-in-Motion Railroad Weighing Systems
- N.6. Nominal Capacity of Prescription Scales
- T.1.2. Postal and Parcel Post Scales
- T.2.3. Prescription Scales
- T.2.4. Jewelers' Scales (all sections)
- T.2.5. Dairy—Product—Test Scales (all sections)
- T.N.3.9. Materials Test on Customer—Operated Bulk—Weighing Systems for Recycled Materials
- UR.1.4. Grain Test Scales: Value of Scale Divisions
- UR.3.1. Recommended Minimum Load
- UR.3.1.1. Minimum Load, Grain Dockage
- Automatic Bulk Weighing Systems (2.22)*
- N.1.3. Decreasing-Load Test

#### **J. Dudley Butler,**

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

[FR Doc. 2010-30712 Filed 12-7-10; 8:45 am]

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## **SOCIAL SECURITY ADMINISTRATION**

### **20 CFR Part 404**

[Docket No. SSA 2009-0073]

RIN 0960-AH07

#### **Amendments to Regulations Regarding Withdrawal of Applications and Voluntary Suspension of Benefits**

**AGENCY:** Social Security Administration.

**ACTION:** Final rule with request for comments.

**SUMMARY:** We are modifying our regulations to establish a 12-month time limit for the withdrawal of old-age benefits applications, allow one withdrawal per lifetime, and limit the voluntary suspension of benefits for purposes of receiving delayed retirement credits to months for which

you have not received a payment. We are making these changes to revise current policies that have the potential for misuse.

**DATES:** This final rule will be effective December 8, 2010. To ensure that your comments are considered, we must receive them no later than February 7, 2011.

**ADDRESSES:** You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA-2009-0073 so that we may associate your comments with the correct regulation.

**Caution:** You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the *Search* function to find docket number SSA-2009-0073. The system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966-2830.

3. *Mail:* Mail your comments to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401.

Comments are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

#### **FOR FURTHER INFORMATION CONTACT:**

Deidre Bemister, Social Insurance Specialist, Social Security Administration, Office of Income Security Programs, Office of Applications and Electronic Services Support Policy, 2500 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 410-966-6223. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

## **SUPPLEMENTARY INFORMATION:**

### **Electronic Version**

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

### **Background**

In 1935, Congress passed the Social Security Act (Act), which established and funded the Social Security program. In his Presidential signing statement, President Franklin D. Roosevelt affirmed that the lawmakers intended the Act to “give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.”<sup>1</sup> Due to concerns about the solvency of the Social Security program, in 1977 Congress passed amendments to the Act designed to restore the long-term balance of the program. Among the changes enacted was a delayed retirement credit (DRC) that increased benefits for those who delay retirement past full retirement age (FRA).<sup>2</sup>

Workers choose when to apply for old-age benefits. Workers who apply for old-age benefits at FRA will receive full benefit rates. Workers may also choose to apply before or after FRA. Workers who apply between age 62 and FRA will receive benefit amounts reduced by a certain percentage for each month they collect benefits before FRA. Workers who apply between FRA and age 70 will receive amounts increased by a certain percentage for each month they forego benefit payments after FRA. Workers who live to their average life expectancies will receive about the same amount in lifetime benefits, regardless if they began receiving benefits at age 62, FRA, age 70, or any age in between.

### **Benefit Application Withdrawal**

Workers occasionally reconsider their having applied for old-age benefits. Continued work is a common reason for such reconsideration. The income from continued work may bring workers earnings over the annual earnings limit and require us to withhold benefits. Although the Act does not include a specific provision concerning

<sup>1</sup> *Presidential Statement Signing the Social Security Act, August 14, 1935.* Available at: <http://www.ssa.gov/history/fdrstmts.html#signing>.

<sup>2</sup> Section 216(l) of the Act provides for a gradual increase in the full retirement age from age 65 to age 67. The change first affected those workers born in 1938. By 2027, the incremental increases will be complete and a full retirement age of 67 will be applicable to all workers born in 1960 or later. These provisions do not change the age at which a worker can take early retirement at a reduced benefit amount, which remains age 62.