

# Rules and Regulations

Federal Register

Vol. 69, No. 214

Friday, November 5, 2004

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### 7 CFR Chapter XXX

#### Office of the Chief Financial Officer; Policy Statement for Direct Final Rulemaking

**AGENCY:** Office of the Chief Financial Officer, USDA.

**ACTION:** Policy statement.

**SUMMARY:** The Office of the Chief Financial Officer (OCFO) is implementing a new "direct final" rulemaking procedure to expedite any noncontroversial changes to its regulations.

**DATES:** Effective November 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Matthew Faulkner, Office of the Chief Financial Officer, Credit, Travel and Grants Policy Division, United States Department of Agriculture, (202) 720-1307.

#### SUPPLEMENTARY INFORMATION:

##### The Direct Final Rule Process

Rules that OCFO determines to be noncontroversial and unlikely to result in adverse comments will be published in the **Federal Register** as direct final rules. Each direct final rule will advise the public that no adverse comments are anticipated. Unless any adverse comments are received within 60 days, the direct final rule will take effect 90 days after it is published in the **Federal Register**.

If OCFO receives written adverse comments or notice of intent to submit such comments within 60 days of the publication of a direct final rule, OCFO will publish in the **Federal Register** a document stating that adverse comments were received and withdrawing the direct final rule prior to its effective date.

Any comment expressing support for the rule as published will not be considered adverse. Additionally, any

comment suggesting that requirements in the rule should or should not be employed by OCFO in other programs or situations outside the scope of the direct final rule will not be considered adverse.

In accordance with rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553), the direct final rulemaking procedure notifies the public of OCFO intent to adopt a new rule and gives interested persons an opportunity to participate in the rulemaking process through the submission of comments for consideration. If neither written adverse comments nor written notice of intent to submit such comments are received, OCFO will publish a document in the **Federal Register** stating that no adverse comments were received and confirming the direct final rule's effective date.

#### Determining When To Use Direct Final Rulemaking

OCFO promulgates USDA-wide policies pertaining to Federal financial assistance. Many of these policies implement broader Federal policies established by the Office of Management and Budget (OMB), frequently through OMB circulars. OMB typically uses a notifier and comment process in adopting the OMB circulars. OCFO has limited discretion in implementing these policies through rulemakings governing USDA financial assistance. Typically, such OMB policies are implemented verbatim.

OCFO may use the direct final rulemaking process to revise USDA regulations to implement revisions to OMB Circulars. For instance, if OMB revises the dollar thresholds in an OMB Circular, OCFO would use a direct final rulemaking to incorporate the revisions into USDA-implementing regulations.

Not all OCFO rules are good candidates for the direct final rulemaking. OCFO intends to use the direct final rulemaking procedure only for rules considered to be noncontroversial and unlikely to generate adverse comments. The decision whether to use the direct final rulemaking process for a particular

action will be based on OCFO experience with similar actions.

**Patricia E. Healy,**  
*Acting Chief Financial Officer.*

**Ann M. Veneman,**  
*Secretary of Agriculture.*

[FR Doc. 04-23254 Filed 11-4-04; 8:45 am]

**BILLING CODE 3410-90-P**

## DEPARTMENT OF HOMELAND SECURITY

### 8 CFR Parts 215, 235, and 252

[DHS 2007-0002]

RIN 1650-AA00

#### Notice to Nonimmigrant Aliens Subject To Be Enrolled in the United States Visitor and Immigrant Status Indicator Technology System (US-VISIT); Extension of Comment Period

**AGENCY:** Border and Transportation Security Directorate, DHS.

**ACTION:** Interim rule; extension of comment period.

**SUMMARY:** On August 31, 2004, the Department of Homeland Security (DHS) published in the **Federal Register** at 69 FR 53318, an interim rule which extended the US-VISIT program to include persons traveling without visas under the Visa Waiver Program, expanded US-VISIT to the 50 most highly trafficked land border ports of entry, and made several other minor changes to the US-VISIT program. The comment period for this regulation was set to expire on November 1, 2004. However, DHS has extended the comment period for this interim rule for an additional 30 days. This document informs the public that the comment period has been extended until December 1, 2004.

**DATES:** Written comments must be submitted on or before December 1, 2004.

**ADDRESSES:** You may submit comments identified by RIN 1615-AA00 to the Docket Management Facility at the EPA. To avoid duplication, please use only one of the following methods:

(1) *Web Site:* <http://www.epa.gov/edocket>. Follow the instructions for submitting comments at that Web site.

(2) *Mail:* Written comments may be submitted to Michael Hardin, Senior