



Federal Register

**Monday,
December 3, 2001**

Part III

**Department of
Agriculture**

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, October 2001

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order

12866 "Regulatory Planning and Review." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

For this edition of the USDA regulatory agenda, the most important

significant regulatory actions are included in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 118-E, Jamie Whitten Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: October 19, 2001.

Jacquelyn Y. Chandler,
Chief, Legislative and Regulatory and Automated Systems Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
168	Cotton Futures Act: Changing the Destination of Spot Markets (CN-01-004)	0581-AC00

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
169	General Specifications for Dairy Plants Approved for USDA Inspection and Grading	0581-AB59
170	Increase in Fees for Voluntary Federal Seed Testing and Certification Services and Establishment of a Fee for Preliminary Test Reports (LS-01-07)	0581-AB95
171	Livestock Mandatory Reporting Program—Lamb Amendment (LS-01-08)	0581-AB98
172	Regulations Governing the California Prune/Plum (Tree Removal) Diversion Program, 2001-2002 Crop Year (FV-01-81-01 PR)	0581-AC03
173	Revision of User Fees for 2002 Crop Cotton Classification Services	0581-AC04
174	Mango Promotion, Research, and Information Order (FV-01-707)	0581-AC05
175	Establishing a Lamb Promotion, Research, and Information Order (LS-01-12) (Reg Plan Seq No. 1)	0581-AC06
176	Establishing Fees for Voluntary Quality Systems Certification Services (LS-00-13)	0581-AC08

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
177	Voluntary Shell Egg Regulations; Repackaging of Shell Eggs Under USDA's Grading Program	0581-AB56
178	Tobacco Fees and Charges for Permissive Inspection: Fee Increase (TB-00-04 FR)	0581-AB86
179	Tobacco Fees and Charges for Mandatory Inspection: Fee Increase	0581-AB87
180	Hass Avocado Promotion, Research, and Information Order (FV-01-705) (Reg Plan Seq No. 2)	0581-AB92
181	Increase in Fees and Charges For Eggs, Poultry, and Rabbit (PY-01-005)	0581-AB99

USDA

Agricultural Marketing Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
182	Fresh Russet Potato Diversion Program, 2000 Crop (FV-01-80-01)	0581-AC07

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
183	National Laboratory Accreditation Program	0581-AB42
184	Changes in Fees for Federal Grading and Certification of Livestock for Chicago Mercantile Exchange Futures Deliveries	0581-AB66
185	Program To Assess Organic Certifying Agencies	0581-AB70
186	Regulations Governing the Inspection of Eggs	0581-AB74
187	Discontinue the Official Grading of Imported Beef, Lamb, Veal, and Calf Carcasses Under the Authority of the Agricultural Marketing Act of 1946	0581-AB90
188	Revision of Regulations Governing the Inspection and Grading Service of Manufactured or Processed Dairy Products (DA-00-08)	0581-AB93
189	National Organic Program: Add Standards for Mushroom, Apiculture, Greenhouse and Hydroponic Production Systems and the Handling of Honey (TM-01-09)	0581-AB96
190	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08)	0581-AB97
191	Voluntary Grading of Shell Eggs; Facilities and Equipment (PY-01-003)	0581-AC02

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
192	Processed Fruits and Vegetables: Qualified Through Verification (QTV)	0581-AB58
193	Olive Oil Promotion, Research, and Information Order	0581-AB62
194	Honey Research, Promotion, and Consumer Information Order	0581-AB84
195	Voluntary Grading of Shell Eggs	0581-AB88
196	Revision of User Fees for 2001 Crop Cotton Classification Services to Growers (CN-00-010)	0581-AB94
197	Livestock Mandatory Reporting: Confidentiality Guideline (LS-01-10)	0581-AC01

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
198	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs	0560-AF60
199	Implementation of the U.S. Warehouse Act of 2000	0560-AG45
200	Interest Assistance Program	0560-AG46
201	Non-Recourse Cotton Loan and Loan Deficiency Payment Programs; Upland Cotton First Handler Marketing Certificate Program; and Seed Cotton Recourse Loan Program	0560-AG47
202	Ocean Freight Claims Administrative Appeal Process	0560-AG49
203	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements	0560-AG53
204	General Regulations Governing Commodity Loans for 1998 and Subsequent Crops	0560-AG54
205	Prompt Disaster Set-Aside Consideration and Primary Loan Servicing	0560-AG56
206	2002-Crop Peanuts National Poundage Quota for Quota Peanuts	0560-AG57
207	2002-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco	0560-AG58

USDA

Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
208	Part 1946 Mediation; Subpart A—Agricultural Loan Mediation Program	0560-AE26
209	Dairy Recourse Loan Program	0560-AF41
210	Lamb Meat Adjustment Assistance Program	0560-AG17
211	Reduction of Amortized Shared Appreciation Recapture Interest Rate	0560-AG43
212	Collecting Guaranteed Loss Payments From FSA Farm Loan Program Borrowers	0560-AG44
213	Tobacco Marketing Quotas, Cards, Penalty Provisions, Recordkeeping and Reporting	0560-AG52
214	2002-Crop Marketing Quota and Price Support Level for Burley Tobacco	0560-AG59
215	2002-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco	0560-AG60

Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
216	Amendments to the Standards for Approval of Warehouse for Commodity Credit Corporation Storage Contracts ...	0560-AE50
217	Deletion of FSA Regulations Regarding Colorado River Basin Salinity Control Program	0560-AE54
218	Amendments to the Debt Settlement Policies and Procedures To Conform to the Debt Collection Improvement Act of 1996	0560-AF22
219	Amendment to the Farm Reconstitution Regulations	0560-AF36
220	1999-Crop Marketing Quota and Price Support Level for Burley Tobacco	0560-AF50
221	Remove Internal Agency Provisions From FSA Farm Credit Program Regulations for Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property	0560-AF53
222	Low Documentation Loan	0560-AF71
223	Streamlining of the Emergency Farm Loan Program Regulations	0560-AF72
224	Amendments to the Conservation Reserve Program Regulations Regarding Land Eligibility	0560-AF77
225	2000-Crop Peanuts National Poundage Quota, National Average Loan Rates for Quota and Additional Peanuts and Minimum Export-Edible Sales Price for Additional Peanuts	0560-AF83
226	2000-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco	0560-AF84
227	Disaster Set-Aside Program	0560-AF91
228	Designation of Non-Auction Tobacco	0560-AG07
229	Agricultural Disaster and Market Assistance	0560-AG14
230	Noninsured Crop Disaster Assistance Program Regulations for the 2001 and Succeeding Crop Years	0560-AG20
231	Emergency Conservation Program	0560-AG26
232	2001-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco	0560-AG28
233	2001-Crop Marketing Quota and Price Support Level for Burley Tobacco	0560-AG29
234	2001-Crop Marketing and Price Support Levels for Five Kinds of Tobacco	0560-AG30
235	2001-Crop Peanuts National Poundage Quota, National Average Loan Rates for 2001-Crop Quota and Additional Peanuts and Minimum Export Edible Sales Price for Additional Peanuts	0560-AG31
236	Livestock Indemnity Program and Livestock Indemnity Program for Contract Growers	0560-AG33
237	Conservation Reserve Program—Failure To Establish Cover and Good Faith Reliance	0560-AG37
238	Conservation of Farmable Wetlands	0560-AG38
239	Tobacco Loss Assistance Program and Amendments to the Tobacco Marketing Quota Regulations	0560-AG40
240	Collection of Appraisal Fees for Farm Loan Programs, Insured Loans	0560-AG42
241	Elimination of 30-Day Past-Due Period for Farm Loan Program Borrowers	0560-AG50
242	Tobacco Marketing Quotas, Acreage Allotments and Production Adjustment	0560-AG51
243	Amendment to the Regulations for Determining Acreage for Skip-Row Cotton	0560-AG55

Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identification Number
244	Selection and Functions of Farm Service Agency State and County Committees	0560-AE33
245	Small Hog Operation Payment Plan	0560-AF70
246	Northeast Interstate Dairy Compact	0560-AG25
247	Sugar Payment-In-Kind (PIK) Diversion Program	0560-AG48

USDA

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
248	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs	0579-AB24

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
249	Plant Pest Regulations; Update of Current Provisions (Section 610 Review)	0579-AA80
250	Phytosanitary Treatment by Ionizing Energy of Imported Fresh Fruits and Vegetables	0579-AA97
251	Importation of Solid Wood Packing Material	0579-AA99
252	Blood and Tissue Collection at Livestock Slaughtering Establishments	0579-AB13
253	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
254	Bees, Beekeeping Byproducts, and Beekeeping Equipment (Section 610 Review)	0579-AB20
255	Veterinary Diagnostic User Fees—5-Year Plan for Fees (Section 610 Review)	0579-AB22
256	Nursery Stock Regulations (Section 610 Review)	0579-AB23
257	Draft Action Plan for the Noxious Weeds Program	0579-AB30
258	Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions	0579-AB31
259	Standards for Permanent, Privately Owned Horse Quarantine Facilities (Section 610 Review)	0579-AB32
260	Foot-and-Mouth Disease; Payment of Indemnity (Reg Plan Seq No. 3)	0579-AB34
261	Chronic Wasting Disease in Elk; Interstate Movement Restrictions and Payment of Indemnity (Reg Plan Seq No. 4)	0579-AB35

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
262	Importation of Fuji Apples From the Republic of Korea	0579-AA93
263	Animal Welfare; Inspection, Licensing, and Procurement of Animals (Section 610 Review)	0579-AA94
264	Importation of Unmanufactured Wood Articles From Mexico	0579-AB02
265	Commercial Transportation of Equines to Slaughter	0579-AB06
266	Importation of Unshu Oranges	0579-AB17
267	Plum Pox Compensation	0579-AB19
268	Animal Welfare; Policy on Environment Enhancement for Nonhuman Primates	0579-AB25
269	Importation Prohibitions Because of Bovine Spongiform Encephalopathy	0579-AB26
270	Interstate Movement of Swine Within a Production System	0579-AB28
271	Animals Destroyed Because of Tuberculosis; Payment of Indemnity	0579-AB29
272	Black Stem Rust; Addition of Rust-Resistant Varieties (Section 610 Review)	0579-AB33

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
273	Importation of Certain Embryos and Animal Semen (Section 610 Review)	0579-AA63
274	Establishment of Regions in the European Union for Hog Cholera, Foot-and-Mouth Disease, and Swine Vesicular Disease	0579-AB03
275	Horse Protection; Horse Industry Organizations	0579-AB04
276	Aquaculture; Farm-Raised Fin Fish	0579-AB09
277	Pseudorabies in Swine; Payment of Indemnity	0579-AB10
278	Importation of Beef From Brazil	0579-AB16
279	Exportation of Livestock (Section 610 Review)	0579-AB21
280	Mexican Hass Avocado Import Program	0579-AB27

USDA

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
281	Karnal Bunt	0579-AA83
282	Interstate Movement of Sheep and Goats From States That Do Not Quarantine Scrapie-Infected and Source Flocks	0579-AA90
283	Restrictions on the Importation of Ruminants, Meat and Meat Products From Ruminants, and Certain Other Ruminant Products	0579-AA98
284	Requiring Treatment of Solid Wood Packing Material From China	0579-AB01
285	Noxious Weeds; Weed Categories and Priorities	0579-AB07
286	Noxious Weeds; Restrictions on Interstate Movement	0579-AB08
287	Citrus Canker; Payments for Commercial Citrus Tree Replacement and Lost Production Income	0579-AB15

Cooperative State Research, Education, and Extension Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
288	Higher Education Multicultural Scholars Program; Administrative Provisions	0524-AA09
289	Hispanic-Serving Institutions Education Grants Program Administrative Provisions	0524-AA17
290	Community Food Projects Administrative Provisions	0524-AA19
291	Small Business Innovation Research Program Administrative Provisions	0524-AA20
292	Biotechnology Risk Assessment Research Grants Program Administrative Provisions	0524-AA21
293	National Research Initiative Competitive Grants Program Administrative Provisions	0524-AA22

Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
294	Civil Rights Compliance Requirements—1901-E to 1940-D	0575-AA83
295	Servicing Community Programs Loans and Grants	0575-AC12
296	Multi-Family Housing	0575-AC13
297	Self-Help Technical Assistance Grants	0575-AC20

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
298	Direct Section 502 and 504 Single-Family Housing Program	0575-AB99
299	Guaranteed Single-Family Housing	0575-AC18
300	Operating Assistance for Migrant Farmworker Projects	0575-AC24
301	Technical Assistance To Encourage the Development of Domestic and Migrant Farm Labor Housing	0575-AC25
302	7 CFR 3565, Guaranteed Rural Rental Housing, Section 538 Statutory Changes	0575-AC26

Rural Housing Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
303	Environmental Program	0575-AB98
304	National Flood Insurance Regulations	0575-AC07

USDA

Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
305	Denying Credit to Applicants Delinquent on Any Federal Debt	0575-AA66

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
306	General Administrative Regulations; Subpart D; Application for Crop Insurance	0563-AB00
307	General Administrative Regulations; Movement of Business Among Insurance Providers	0563-AB71
308	General Administrative Regulations; Sanctions	0563-AB73
309	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions	0563-AB76
310	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions	0563-AB80
311	General Administrative Regulations; Actual Production History	0563-AB83
312	Common Crop Insurance Regulations; Basic Provisions and General Administrative Regulations, Subpart T, Regulations for Implementation	0563-AB85

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
313	Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Winter Coverage Endorsement	0563-AB63
314	General Administrative Regulations; Nonstandard Underwriting Classification System	0563-AB66
315	General Administrative Regulations; Premium Reductions; Payments of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities	0563-AB70
316	Common Crop Insurance Regulations; Millet Crop Insurance Provisions	0563-AB79
317	Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; Basic Provisions	0563-AB81
318	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums	0563-AB84

Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identification Number
319	General Administrative Regulations; Subpart S; Regulations for Insurance Coverage by Written Agreement	0563-AB07
320	Common Crop Insurance Regulations; Coarse Grains Crop Insurance Provisions	0563-AB64
321	General Administrative Regulations; Civil Rights Data Collection	0563-AB78

Grain Inspection, Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
322	Review Inspection Requirements	0580-AA58
323	Packer Recordkeeping Requirements	0580-AA72
324	Exceptions to Geographic Areas for Official Agencies Under the USGSA	0580-AA76
325	Prohibition on Disguising Grain Quality	0580-AA77
326	Laboratory Accreditation Program	0580-AA78

USDA

Grain Inspection, Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
327	Tolerances for Dividers	0580-AA57
328	Swine Packer Marketing Contracts	0580-AA71

Grain Inspection, Packers and Stockyards Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
329	Poultry Grower Contracts	0580-AA51
330	Livestock Purchase or Sale: Prohibit Non-Reporting of Price	0580-AA65
331	How Can USDA Best Facilitate the Marketing of Grains, Oilseeds, Fruits, Vegetables, and Nuts in Today's Marketplace	0580-AA73

Grain Inspection, Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
332	Fees for Commodity and Rice Inspection Services	0580-AA74
333	Fees for Official Inspection and Official Weighing Services	0580-AA75

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
334	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions	0584-AB10
335	Food Stamp Program Matching Programs and Privacy Protections	0584-AB51
336	FSP: Civil Rights Data Collections	0584-AC75
337	Commodity Supplemental Food Program: Plain Language, Program Accountability, and Program Flexibility	0584-AC84
338	Food Stamp Program: Administrative Cost Reimbursement	0584-AC86
339	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages (Reg Plan Seq No. 5)	0584-AC90
340	Improving Access to the Food Stamp Program for Persons With Limited English Proficiency	0584-AD06
341	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387 (Reg Plan Seq No. 6)	0584-AD13
342	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers	0584-AD15

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
343	WIC: Requirements for and Evaluation of WIC Program Requests for Bids for Infant Formula Rebate Contracts ...	0584-AB52
344	Food Stamp Program: Anticipating Income and Reporting Changes	0584-AB57
345	Child and Adult Care Food Program: Improving Management and Program Integrity (Reg Plan Seq No. 7)	0584-AC24
346	Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools: Provision 2 and Provision 3 ...	0584-AC25
347	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems	0584-AC37
348	Food Stamp Program: Work Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Food Stamp Provisions of the Balanced Budget Act of 1997 (Reg Plan Seq No. 8)	0584-AC45
349	WIC Farmers Market Nutrition Program (FMNP): Expansion Funds Allocation Formula	0584-AC68
350	Child Nutrition Programs: Reimbursement for Snacks in Afterschool Care Programs	0584-AC72

USDA

Food and Nutrition Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
351	Food Distribution Program: Deletion of Requirement To Evaluate State-Run Commodity Distribution and Warehousing Systems Every 3 Years	0584-AC79
352	FSP: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability	0584-AC91
353	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity	0584-AC94
354	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs	0584-AC95
355	Special Milk Program for Children: Plain Language Revision and Reorganization	0584-AC97
356	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 250, Donation of Foods for Use in the United States, Its Territories and Possessions, and Areas Under Its Jurisdiction	0584-AC98
357	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 251, The Emergency Food Assistance Program (TEFAP)	0584-AC99
358	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 252, The National Commodity Processing Program (NCP)	0584-AD00
359	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 253, the Food Distribution Program on Indian Reservations (FDPIR)	0584-AD01
360	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 254, the Food Distribution Program on Indian Reservations (FDPIR) in Oklahoma	0584-AD02
361	Implementation of Poultry Substitution Pilot as Permanent and Modification of Commodity Recordkeeping Requirements	0584-AD08
362	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments ...	0584-AD16

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
363	State Administrative Expense Funds: Plain Language Rewrite	0584-AC96
364	Nutrition Education and Training Program: 7 CFR Part 227, Plain Language Rewrite	0584-AD03
365	State Agency Liabilities and Federal Sanctions, 7 CFR 276	0584-AD04
366	Payments of Certain Administrative Costs of State Agencies, 7 CFR 277	0584-AD05
367	School Breakfast Program: Plain Language Revision and Reorganization (7 CFR 220)	0584-AD10
368	WIC: Plain Language Rewrite of 7 CFR Part 248, Farmers' Market Nutrition Program	0584-AD11
369	Food Distribution Program on Indian Reservation: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits	0584-AD12

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
370	Disclosure of Free and Reduced-Price Eligibility Information Under the School Nutrition, Summer Food Service, and Child and Adult Care Food Programs	0584-AC21
371	National School Lunch and School Breakfast Programs: Identification of Blended Beef, Pork, Poultry, or Seafood Products	0584-AC92

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
372	Poultry Inspection: Revision of Finished Product Standards With Respect to Ingesta (Reg Plan Seq No. 9)	0583-AC77

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

USDA

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
373	Grant and Inauguration of Inspection	0583-AC07
374	Performance Standards for Bacon (Reg Plan Seq No. 10)	0583-AC49
375	Reform of Regulations on Imported Meat and Poultry Products	0583-AC56
376	Egg and Egg Products Inspection Regulations (Reg Plan Seq No. 11)	0583-AC58
377	Labeling—Generic Approval and Regulation Consolidation	0583-AC59
378	Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems; Additions to Generic E. Coli Criteria (Reg Plan Seq No. 12)	0583-AC63
379	Elimination of Requirements for Total Quality Control Systems	0583-AC68
380	Petitions for Rulemaking	0583-AC81
381	Classes of Poultry Updating Poultry Class Standards	0583-AC83
382	Elimination of Chilling Time and Temperature Requirements for Ready-To-Cook Poultry (Section 610 Review) (Reg Plan Seq No. 13)	0583-AC87
383	Emergency Regulations To Prevent Meat Food and Meat Products That May Contain the BSE Agent From Entering Commerce (Reg Plan Seq No. 14)	0583-AC88
384	Increases in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Year (FY) 2002	0583-AC89

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
385	Beef or Pork With Barbecue Sauce; Revision of Standards	0583-AC09
386	Meat Produced by Advanced Meat/Bone Separation Machinery and Recovery Systems (Reg Plan Seq No. 15) ...	0583-AC51
387	Incorporation of Food and Color Additives Into 21 CFR	0583-AC69
388	Performance Standards for On-line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses (Reg Plan Seq No. 16)	0583-AC73
389	Sharing Recall Distribution Lists With State and Other Federal Government Agencies	0583-AC75
390	Agency Organization	0583-AC78
391	Labeling of Natural or Regenerated Collagen Sausage Casings	0583-AC80
392	Food Standards: Requirements for Substantive Standardized Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and a Standardized Term	0583-AC82
393	Mandatory Inspection of Ratites and Squabs	0583-AC84

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Food Safety and Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
394	Transportation, Storage, and Other Handling of Potentially Hazardous Foods	0583-AC05
395	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry	0583-AC43
396	Requirements for Disposition and Disposal of Inspected Raw Meat and Poultry Products	0583-AC44
397	Performance Standards for Ready-To-Eat Meat and Poultry Products	0583-AC46
398	Reworking of Meat and Poultry Carcasses Accidentally Contaminated During Evisceration	0583-AC53
399	Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products	0583-AC60
400	Food Labeling; Nutrient Content Claims, Definition of the Term Healthy	0583-AC65
401	Food Standards; Guiding Principles and Standards Modernization	0583-AC72

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
402	Performance Standard for the Chilling or Other Processing of Livestock Carcasses and Ready-To-Cook Poultry ...	0583-AC21
403	Other Consumer Protection Activities	0583-AC64

USDA

Food Safety and Inspection Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
404	Terminology	0583-AC79
405	Product Labeling: Defining United States Cattle and United States Fresh Beef Products	0583-AC85
406	Elimination of Requirements for Partial Quality Control Programs; Certification of Scales	0583-AC86

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
407	Program To Provide Technical Assistance To Promote U.S. Agricultural Exports to Emerging Markets (Emerging Markets Program)	0551-AA62

Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
408	Program To Assist U.S. Producers in Developing Domestic Markets for Value-Added Wheat Gluten and Wheat Starch Products	0551-AA60
409	Freedom of Information Act (FOIA) Regulations for the Foreign Agricultural Service	0551-AA61

Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
410	CCC Supplier Credit Guarantee Program	0551-AA30
411	Facility Guarantee Program	0551-AA35

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
412	Export Sales Reporting Requirement	0551-AA51

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
413	Hydropower Applications	0596-AA47
414	Small Tracts Act Regulations	0596-AA79
415	Species Surplus to Domestic Manufacturing Needs	0596-AB27
416	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Other Timber	0596-AB48
417	Law Enforcement Support Activities	0596-AB61
418	Noncompetitive Sale of Timber	0596-AB70
419	Clarification of Exemptions From Special-Use Authorizations	0596-AB74
420	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596-AB75
421	Use of Fixed Anchors in Wilderness	0596-AB80
422	Special Forest Products and Forest Botanical Products	0596-AB81
423	Determining Fair Market Value for Recreation Residence Use Authorizations	0596-AB83
424	Inventoried Roadless Areas	0596-AB85

USDA

Forest Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
425	National Forest System Land and Resource Management Planning	0596-AB86
426	National Environmental Policy Act Documentation for Certain Small Administrative Timber Sales on National Forest System Lands and Research Projects (Forest Service Handbook 1909.15, Chapter 30)	0596-AB88
427	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities	0596-AB89
428	Revisions to Road Management Policy (Forest Service Manual Chapter 7710)	0596-AB90

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
429	Indian Allotments on National Forest System Lands	0596-AA52
430	Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596-AB21
431	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AB36
432	Preference for Visitor Service; Alaska National Forest Conservation System Units	0596-AB57
433	Categorical Exclusion for Certain Special Uses Permit Actions (FSH 1909.15, Chapter 30)	0596-AB73
434	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline	0596-AB87

Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
435	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
436	General Nonprocurement Regulations	0503-AA21

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
437	Designation of Rural Empowerment Zones and Enterprise Communities	0503-AA20

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
438	Nondiscrimination in USDA-Conducted Programs and Activities	0503-AA15

USDA

Rural Business-Cooperative Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
439	Intermediary Relending Program Participation Agreements	0570-AA33

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
440	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock	0570-AA26
441	Rural Business Enterprise Grant Program	0570-AA28

Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
442	Rural Economic Development Loan and Grant Program	0570-AA19
443	Allocation Formulas	0570-AA30
444	Business and Industry Guaranteed Loan Program—Domestic Lamb Industry Adjustment Assistance Program Set-Aside	0570-AA31
445	The Rural Business Enterprise Grants and Television Demonstration Grants	0570-AA32

Rural Business-Cooperative Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
446	Business and Industrial Guaranteed Loan Program—Miscellaneous Changes	0570-AA23
447	Affirmative Fair Housing Marketing Plan	0570-AA24

Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
448	Business and Industry Direct Loan Program	0570-AA22
449	Rural and Rural Area Under the Rural Community Advancement Program	0570-AA27

Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
450	Telecommunications Standards and Specifications for Materials, Equipment, and Construction	0572-AB40
451	Servicing of Water Programs Loans and Grants	0572-AB59
452	Mergers and Consolidations of Electric Borrowers	0572-AB63
453	Electric Program Standard Contract Forms	0572-AB67
454	Exemptions of RUS Operational Controls Under Section 306E of the RE Act	0572-AB68

USDA

Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
455	Extensions of Payments of Principal and Interest	0572-AB60
456	Settlement of Debt	0572-AB61
457	Demand Side Management and Renewable Energy Systems	0572-AB65
458	Telecommunications Program Specification	0572-AB69
459	Distance Learning and Telemedicine Loan and Grant Program	0572-AB70

Rural Utilities Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
460	RUS Approval of Additions and Extensions to Electric Plants	0572-AB38
461	The "Buy American" Requirement	0572-AB55

Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
462	Electric Standards and Specifications for Materials and Construction	0572-AA67
463	Telecommunications System Construction Contract and Specifications	0572-AB41
464	Post-Loan Policies and Procedures Common to Guaranteed and Insured Loans	0572-AB48
465	Water and Waste Disposal Programs Guaranteed Loans	0572-AB57
466	Elimination of Current Ratio Requirements	0572-AB58
467	Policy on Audits of RUS Borrowers; Generally Accepted Government Auditing Standards (GAGAS)	0572-AB62
468	Pre-Loan Policies and Procedures Common to Insured and Guaranteed Telecommunications Loans	0572-AB64
469	Policy on Audits of RUS Borrowers: Management Letter	0572-AB66

Natural Resources Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
470	Wetland Categorical Minimal Effects Exemptions	0578-AA27
471	Emergency Watershed Protection Program	0578-AA30

Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
472	Forestry Incentives Program	0578-AA26
473	Conservation of Private Grazing Land	0578-AA29

Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
474	Highly Erodible Land and Wetland Conservation	0578-AA17

USDA

Office of Procurement and Property Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
475	Office of Procurement and Property Management (OPPM); Uniform Procedures for the Acquisition and Transfer of Excess Federal Property	0599-AA10

Office of Procurement and Property Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
476	New Restrictions on Lobbying	0599-AA03

Office of Procurement and Property Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
477	Agriculture Acquisition Regulation (AGAR); Contractor Employment of Migrant and Seasonal Agricultural Workers	0599-AA05
478	Agriculture Acquisition Regulation: Amendment to Part 442, Contract Administration	0599-AA08
479	Agriculture Acquisition Regulation; Part 419 Amendment; North American Industrial Classification System	0599-AA09

**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)**

Prerule Stage

**168. • COTTON FUTURES ACT:
CHANGING THE DESTINATION OF
SPOT MARKETS (CN-01-004)**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 156; PL 94-455, 90 Stat. 1841-1846; PL 102-287, Stat. 1844

CFR Citation: 7 CFR 27

Legal Deadline: None

Abstract: The U.S. Cotton Futures Act authorizes the Secretary of Agriculture to determine the five most appropriate spot cotton markets to designate for

settlement of cotton futures contracts. Regional changes in current commercial sales of cotton makes it necessary to change the designation of spot market to more accurately reflect the commercial market prices and qualities of cotton for use in determining settlement differences for cotton traded on the cotton exchange

Timetable:

Action	Date	FR Cite
ANPRM	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Norma Randall McDill, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Room 2641-South, Washington, DC 20250
Phone: 202 720-2145
Fax: 202 690-1718
Email: norma.mcdill@usda.gov

RIN: 0581-AC00

**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)**

Proposed Rule Stage

**169. GENERAL SPECIFICATIONS FOR
DAIRY PLANTS APPROVED FOR
USDA INSPECTION AND GRADING**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1627

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The proposed rule would: (1) Lower the maximum allowable

bacterial estimate for manufacturing-grade producer milk from 1,000,000 per milliliter to 500,000 per milliliter; (2) lower the maximum allowable somatic cell count from 1,000,000 to 750,000 cells per milliliter; (3) lower the maximum permitted bacterial estimate in commingled milk from 3,000,000 per milliliter to 1,000,000 per milliliter; (4) modify the follow-up procedures when producer herd milk exceeds the

maximum allowable bacterial estimate; (5) delete the laboratory screening test for somatic cells in producer-held milk samples (no change for goat milk); and (6) make editorial changes where necessary.

Timetable:

Action	Date	FR Cite
NPRM	08/13/01	66 FR 42458

USDA—AMS

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/12/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Duane R. Spomer, Acting Chief, Grading Branch, Department of Agriculture, Agricultural Marketing Service, Rm. 2746-South, Dairy Programs, P.O. Box 96456, Washington, DC 20090-6456
Phone: 202 720-7473
Fax: 202 720-2643
Email: duane.spomer@usda.gov
RIN: 0581-AB59

170. • INCREASE IN FEES FOR VOLUNTARY FEDERAL SEED TESTING AND CERTIFICATION SERVICES AND ESTABLISHMENT OF A FEE FOR PRELIMINARY TEST REPORTS (LS-01-07)**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1622; 7 USC 1624**CFR Citation:** 7 CFR 75**Legal Deadline:** None

Abstract: The Agricultural Marketing Service is proposing to increase the hourly fees charged for voluntary Federal seed testing and certification services and to establish a fee for preliminary test reports.

Timetable:

Action	Date	FR Cite
NPRM	10/23/01	66 FR 53550
NPRM Comment Period End	12/24/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** Undetermined

Agency Contact: Richard C. Payne, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Room 209, Building 306, BARC-East, Beltsville, MD 20705-2325
Phone: 301 504-9430
Email: richard.payne2@usda.gov
RIN: 0581-AB95

171. • LIVESTOCK MANDATORY REPORTING PROGRAM—LAMB AMENDMENT (LS-01-08)**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621**CFR Citation:** 7 CFR 59**Legal Deadline:** None

Abstract: The Agricultural Marketing Service is amending the Livestock Reporting Act of 1999 regulations. The amendments would: (1) Amend regulations requiring lamb packers to report negotiated purchases of live lamb and sales of carcass lamb; (2) adjust requirements for reporting of imported and domestic boxed lamb sales; and (3) make adjustments to input data collection forms. The Act was implemented April 2, 2001, and requires packers to report purchase and sales transactions for cattle, swine, sheep, boxed beef, and lamb meat.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: John Edward Van Dyke, Chief, Livestock and Grain Market News Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0252, Room 2619-South, Washington, DC 20250
Phone: 202 720-6231
Fax: 202 690-3732
Email: john.vandyke@usda.gov

RIN: 0581-AB98**172. • REGULATIONS GOVERNING THE CALIFORNIA PRUNE/PLUM (TREE REMOVAL) DIVERSION PROGRAM, 2001-2002 CROP YEAR (FV-01-81-01 PR)****Priority:** Other Significant**Legal Authority:** 7 USC 612c**CFR Citation:** 7 CFR 81**Legal Deadline:** None

Abstract: Under the California Prune/Plum (Tree Removal) Diversion Program for the 2001-2002 crop year, producers would voluntarily remove

prune/plum trees to reduce acreage and help the California dried plum industry address its severe oversupply problems. The goal of the program is to remove the greatest number of trees with the greatest production potential prior to the 2002 crop for the least overall cost. The program is expected to bring supplies closer in line with market needs and provide some relief to producers faced with low prices, packer closures, and contract cancellations. Section 32 funds would be used to cover tree removal costs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None

Agency Contact: Anne M. Dec, Leader, Rulemaking Team, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Washington, DC 20250
Phone: 202 720-9921
Fax: 202 720-8938
Email: anne.dec@usda.gov

RIN: 0581-AC03**173. • REVISION OF USER FEES FOR 2002 CROP COTTON CLASSIFICATION SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 473a**CFR Citation:** 7 CFR 28**Legal Deadline:** Final, Statutory, June 2001.

Abstract: This action would increase the user fees for cotton producers for the 2002 crop cotton classification services under the Cotton Statistics and Estimates Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Darryl Earnest, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Room 2633—Stop 0224, Washington, DC
Phone: 202 720-2145

USDA—AMS

Proposed Rule Stage

Fax: 202 690-1718
 Email: darryl.earnest@usda.gov
 RIN: 0581-AC04

174. • MANGO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-707)

Priority: Routine and Frequent

Legal Authority: 7 USC 7411 through 7425

CFR Citation: 7 CFR 1206

Legal Deadline: None

Abstract: This action would establish a Mango Promotion, Research, and Information Order. The purpose of the new program would be to increase consumption of mangos in the United States. The program would be administered by the National Mango Promotion Board under the supervision of the Agricultural Marketing Service.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeanette A. Palmer, Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, Stop 0244, Fruit and Vegetable Program, Research and Promotion Branch, Room 2535-South, Washington, DC 20250-0244
 Phone: 202 720-9915
 Fax: 202 205-2800
 Email: jeanette.palmer@usda.gov

RIN: 0581-AC05

175. • ESTABLISHING A LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER (LS-01-12)

Regulatory Plan: This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.

RIN: 0581-AC06

176. • ESTABLISHING FEES FOR VOLUNTARY QUALITY SYSTEMS CERTIFICATION SERVICES (LS-00-13)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed action is necessary to ensure that voluntary

Quality Systems Certification Program (QSCP) services provided by the Agricultural Marketing Service's Meat Grading and Certification Branch remain financially self-sufficient and viable. The QSCP is a voluntary, audit-based program developed at the request of the industry and others to provide a means of verifying value-adding processes in the production and processing of agricultural products.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0248, Rm. 2628-South, Livestock & Seed Program, 14th & Independence Avenue SW, Washington, DC 20250-0248
 Phone: 202 720-1113
 Fax: 202 690-4119
 Email: larry.meadows@usda.gov

RIN: 0581-AC08

Department of Agriculture (USDA) Agricultural Marketing Service (AMS)

Final Rule Stage

177. VOLUNTARY SHELL EGG REGULATIONS; REPACKAGING OF SHELL EGGS UNDER USDA'S GRADING PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1621 to 1627

CFR Citation: 7 CFR 56

Legal Deadline: None

Abstract: Currently about one-third of the Nation's table eggs are marketed under the voluntary shell egg-grading program. Shell egg processors that choose to use this service pay a fee to have graders in their plants monitor processing operations and verify the grade and size of eggs packaged into packages bearing the USDA grade shield. The proposal would provide that, in order to be officially identified with a USDA consumer grade shield, shell eggs must not be more than 15 days old (or some other period between 15 and 30 days if justified by public

comment) and must not have been previously shipped for retail sale.

Timetable:

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40522
NPRM Comment Period End	09/27/99	
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David Bowden, Jr., Chief, Standardization Br., Poultry Programs, Department of Agriculture, Agricultural Marketing Service, Room 3944-S, MS 0259, 1400 Independence Avenue SW, Washington, DC 20250-0259
 Phone: 202 720-3506
 Fax: 202 690-0941
 Email: david.bowden@usda.gov

RIN: 0581-AB56

178. TOBACCO FEES AND CHARGES FOR PERMISSIVE INSPECTION: FEE INCREASE (TB-00-04 FR)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29

Legal Deadline: None

Abstract: The U.S. Department of Agriculture (the Department) is proposing to increase the fees and charges currently in force for permissive grading of quota and nonquota tobacco to reflect the increased costs of operating the program. The Tobacco Inspection Act requires the Secretary to fix and collect fees and charges for the voluntary inspection and certification of tobacco, and fees must cover, as nearly as practicable, the Department's costs for performing these services. The Agricultural Marketing Service is proposing that the base hourly rate be

USDA—AMS

Final Rule Stage

revised to \$47.40, the overtime rate shall be revised to \$54.22, and Sunday and holiday rate will be revised to \$69.38. These fees would cover expenses and maintain a reserve that would meet any reasonable contingency.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/01	66 FR 28359
Interim Final Rule Comment Period End	06/22/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John P. Duncan III, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Ag Code 0280, Tobacco Programs, Room 502 Annex Bldg., P.O. Box 96456, Washington, DC 20090-6456
Phone: 202 205-0567
Fax: 202 205-0235
Email: john.duncan3@usda.gov

RIN: 0581-AB86

179. TOBACCO FEES AND CHARGES FOR MANDATORY INSPECTION: FEE INCREASE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29

Legal Deadline: None

Abstract: The U.S. Department of Agriculture (the Department) is increasing the fees and charges for mandatory inspection and certification of producer tobacco sold at designated auction markets. The current fee of \$.0083 per pound has been in effect since 1995. The new rate will be \$.0100 per pound. Due to reduced quotas, the volume of tobacco delivered for inspection has declined. An increase of \$.0017 per pound is necessary to adequately fund the level of service the industry desires.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/26/00	65 FR 34039
Interim Final Rule Effective	05/30/00	

Action	Date	FR Cite
Interim Final Rule	06/26/00	
Comment Period End		
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John P. Duncan III, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Ag Code 0280, Tobacco Programs, Room 502 Annex Bldg., P.O. Box 96456, Washington, DC 20090-6456
Phone: 202 205-0567
Fax: 202 205-0235
Email: john.duncan3@usda.gov

RIN: 0581-AB87

180. HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-705)

Regulatory Plan: This entry is Seq. No. 2 in part II of this issue of the **Federal Register**.

RIN: 0581-AB92

181. • INCREASE IN FEES AND CHARGES FOR EGGS, POULTRY, AND RABBIT (PY-01-005)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 56; 7 CFR 70

Legal Deadline: None

Abstract: The Agricultural Marketing Service proposes to increase the fees and charges for Federal voluntary egg, poultry, and rabbit grading. These fees and charges are increased to cover the increase in salaries of Federal employees, salary increases of State employees cooperatively utilized in administering the program, and other increased agency costs.

Timetable:

Action	Date	FR Cite
NPRM	08/13/01	66 FR 42456
NPRM Comment Period End	09/12/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rex A. Barnes, Chief, Grading Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0258, Poultry Programs, 14th & Independence Avenue SW, Washington, DC 20090-6456
Phone: 202 720-3271
Fax: 202 690-3165
Email: rex.barnes@usda.gov

RIN: 0581-AB99

182. • FRESH RUSSET POTATO DIVERSION PROGRAM, 2000 CROP (FV-01-80-01)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 612c

CFR Citation: 7 CFR 80

Legal Deadline: None

Abstract: The Agricultural Marketing Service is proposing to establish a Fresh Russet Potato Diversion Program for the 2000 crop. The proposed program will assist fresh Russet potato growers faced with oversupplies and low prices by diverting potatoes to charitable institutions, or use as livestock feed, ethanol production, or to render them nonmarketable and dispose of in conformance with Federal, State, and local regulations. AMS expects to publish a final rule in early fall.

Timetable:

Action	Date	FR Cite
NPRM	04/13/01	66 FR 19099
Comment Period Extended	05/16/01	66 FR 27045
Comment Period Extended	06/12/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Susan Proden, Branch Chief, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, P.O. Box 96456, Room 2546-South Building, Washington, DC 20090-6456
Phone: 202 720-4517
Fax: 202 720-2782
Email: susan.proden@usda.gov

RIN: 0581-AC07

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)
Long-Term Actions
183. NATIONAL LABORATORY ACCREDITATION PROGRAM
Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
ANPRM	11/20/92	57 FR 54727
ANPRM Comment	01/19/93	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: James V. Falk
 Phone: 202 690-4089

Fax: 202 720-4631

Email: james.falk@usda.gov

RIN: 0581-AB42

184. CHANGES IN FEES FOR FEDERAL GRADING AND CERTIFICATION OF LIVESTOCK FOR CHICAGO MERCANTILE EXCHANGE FUTURES DELIVERIES
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 53

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John E. VanDyke

Phone: 202 720-6231

Fax: 202 690-3732

Email: john.vandyke@usda.gov

RIN: 0581-AB66

185. PROGRAM TO ASSESS ORGANIC CERTIFYING AGENCIES
Priority: Other Significant

CFR Citation: 7 CFR 37

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/99	64 FR 30861
Interim Final Rule Effective	06/10/99	
Interim Final Rule Comment Period End	08/09/99	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Larry R. Meadows

Phone: 202 720-1113

Fax: 202 690-4119

Email: larry.meadows@usda.gov

RIN: 0581-AB70

186. REGULATIONS GOVERNING THE INSPECTION OF EGGS
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 57

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rex A. Barnes

Phone: 202 720-3271

Fax: 202 690-3165

Email: rex.barnes@usda.gov

RIN: 0581-AB74

187. DISCONTINUE THE OFFICIAL GRADING OF IMPORTED BEEF, LAMB, VEAL, AND CALF CARCASSES UNDER THE AUTHORITY OF THE AGRICULTURAL MARKETING ACT OF 1946
Priority: Other Significant

CFR Citation: 7 CFR 54

Timetable:

Action	Date	FR Cite
NPRM	02/01/00	65 FR 4780
NPRM Comment	04/03/00	

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Martin E. O'Connor

Phone: 202 720-7046

Fax: 202 690-4119

RIN: 0581-AB90

188. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICE OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS (DA-00-08)
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 58

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: F. Tracy Schonrock

Phone: 202 720-3171

Fax: 202 720-2643

Email: tracy.schonrock@usda.gov

Duane R. Spomer

Phone: 202 720-7473

Fax: 202 720-2643

Email: duane.spomer@usda.gov

RIN: 0581-AB93

189. • NATIONAL ORGANIC PROGRAM: ADD STANDARDS FOR MUSHROOM, APICULTURE, GREENHOUSE AND HYDROPONIC PRODUCTION SYSTEMS AND THE HANDLING OF HONEY (TM-01-09)
Priority: Other Significant

Legal Authority: 7 USC 6501 through 6522

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: AMS is proposing to revise the regulatory provisions for labeling agricultural products as organically produced and handled (7 CFR part 205). AMS will propose production standards for mushroom, apiculture, and greenhouse production systems and handling standards for apiculture products. The proposed standards will incorporate the recommendations of the National Organic Standards Board (NOSB) finalized at its October 2001 meeting. In June 2001, the NOSB released and accepted public comment on a draft version of mushroom and greenhouse standards. Concurrently, the NOSB implemented a task force to develop production and handling standards for apiculture.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Tribal, State, Local

Federalism: This action may have federalism implications as defined in EO 13132.

USDA—AMS

Long-Term Actions

Agency Contact: Richard H. Mathews, Acting Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-7806
 Fax: 202 205-7808
 Email: richard.mathews@usda.gov
RIN: 0581-AB96

190. • NATIONAL ORGANIC PROGRAM: ADD STANDARDS FOR THE ORGANIC CERTIFICATION OF WILD CAPTURED AQUATIC ANIMALS (TM-01-08)

Priority: Other Significant
Legal Authority: 7 USC 6501 through 6522
CFR Citation: 7 CFR 205
Legal Deadline: None

Abstract: AMS is proposing to revise the regulatory provisions for labeling of agricultural products as organically produced and handled (7 CFR part 205). AMS proposes to incorporate the term “aquatic animal” in the definition of livestock and to establish production and handling standards for operations that capture aquatic animals from the wild. AMS has defined “aquatic animal” as any finfish or shellfish used for human consumption, whether taken from regulated but free roaming marine and fresh water populations (wild captured) or propagated and raised in a controlled or selected environment

(aquaculture). Production standards for operations producing aquatic animals will incorporate requirements for livestock origin, feed ration, health care, living conditions, and recordkeeping. Handling standards for such operations will address prevention of commingling or organically produced commodities and prevention of contact between organically produced and prohibited substances.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Richard H. Mathews, Acting Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-7806
 Fax: 202 205-7808
 Email: richard.mathews@usda.gov

RIN: 0581-AB97

191. • VOLUNTARY GRADING OF SHELL EGGS; FACILITIES AND EQUIPMENT (PY-01-003)

Priority: Substantive, Nonsignificant
Legal Authority: 7 USC 1621 through 1627
CFR Citation: 7 CFR 56
Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) reviewed the regulations in 7 CFR part 56 and identified changes necessary to bring the regulations up-to-date. AMS is proposing to update and clarify the voluntary shell egg grading regulations for facilities required for grading service, the operating requirements of plants utilizing the grading service, and the methods by which the grading service is provided.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rex A. Barnes, Chief, Grading Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0258, Poultry Programs, 14th & Independence Avenue SW, Washington, DC 20090-6456
 Phone: 202 720-3271
 Fax: 202 690-3165
 Email: rex.barnes@usda.gov

RIN: 0581-AC02

Department of Agriculture (USDA)
 Agricultural Marketing Service (AMS)

Completed Actions

192. PROCESSED FRUITS AND VEGETABLES: QUALIFIED THROUGH VERIFICATION (QTV)

Priority: Other Significant
CFR Citation: 7 CFR 52
Completed:

Reason	Date	FR Cite
Withdrawn	08/01/01	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: James R. Rodeheaver
 Phone: 202 720-4693
 Fax: 202 690-1087
 Email: james.rodeheaver@usda.gov

RIN: 0581-AB58

193. OLIVE OIL PROMOTION, RESEARCH, AND INFORMATION ORDER

Priority: Routine and Frequent
CFR Citation: 7 CFR 1217
Completed:

Reason	Date	FR Cite
Withdrawn	09/19/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Margaret B. Irby
 Phone: 202 720-9915
 Fax: 202 205-2800
 Email: margaret.irby@usda.gov

RIN: 0581-AB62

194. HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

Priority: Routine and Frequent
CFR Citation: 7 CFR 1240
Completed:

Reason	Date	FR Cite
Final Action	05/01/01	66 FR 21823
Final Action Effective	05/31/01	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Federal

Agency Contact: Kathie Birdsell
 Phone: 202 720-4835
 Fax: 202 205-2800

USDA—AMS

Completed Actions

Email: kathie.birdsell@usda.gov

RIN: 0581-AB84

195. VOLUNTARY GRADING OF SHELL EGGS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 56

Completed:

Reason	Date	FR Cite
Withdrawn	07/27/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Rex A. Barnes

Phone: 202 720-3271

Fax: 202 690-3165

Email: rex.barnes@usda.gov

Martin E. O'Connor

Phone: 202 720-7046

Fax: 202 690-4119

RIN: 0581-AB88

196. REVISION OF USER FEES FOR 2001 CROP COTTON CLASSIFICATION SERVICES TO GROWERS (CN-00-010)

Priority: Info./Admin./Other

CFR Citation: 7 CFR 28

Completed:

Reason	Date	FR Cite
NPRM	04/23/01	66 FR 20408
Final Action	05/30/01	66 FR 29215
Final Rule Effective	07/01/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Darryl Earnest

Phone: 202 720-2145

Fax: 202 690-1718

Email: darryl.earnest@usda.gov

RIN: 0581-AB94

197. • LIVESTOCK MANDATORY REPORTING: CONFIDENTIALLY GUIDELINE (LS-01-10)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621

CFR Citation: None

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) is proposing to modify the reporting guideline used to protect the identity of firms and preserve the confidentiality of proprietary business information submitted by the Department of Agriculture (USDA) under the Livestock Mandatory Reporting (LMR) program. The

proposed modification in the confidentiality guideline would continue to preserve the confidential nature of reported livestock transactions, while enable AMS to issue more frequent and comprehensive reports on livestock and meat, and provide all segments of the livestock and meat industries with a greater volume of relevant information on which to base market decisions.

Timetable:

Action	Date	FR Cite
Notice	08/07/01	66 FR 41194

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Edward Van Dyke, Chief, Livestock and Grain Market News Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0252, Room 2619-South, Washington, DC 20250

Phone: 202 720-6231

Fax: 202 690-3732

Email: john.vandyke@usda.gov

RIN: 0581-AC01

BILLING CODE 3410-02-S

Department of Agriculture (USDA) Farm Service Agency (FSA)

Proposed Rule Stage

198. REGULATORY STREAMLINING OF THE FARM SERVICE AGENCY'S DIRECT FARM LOAN PROGRAMS

Priority: Other Significant

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

CFR Citation: 7 CFR 7; 7 CFR 18

Legal Deadline: None

Abstract: The Farm Service Agency (FSA) direct farm loan programs are still using the regulations and handbooks from the former Farmers Home Administration and still share many of its regulations, forms, and handbooks with the Rural Housing Service, Rural Utilities Service, and the Rural Business-Cooperative Services of the Rural Development Agency. This is very cumbersome and confusing to both Agency employees and the general public. This action will move all the direct farm loan program regulations from 7 CFR chapter 18 to 7 CFR chapter 7 and will allow FSA the

opportunity to rewrite and re-engineer its direct farm loan program regulations. This action also consolidates a number of actions that were previously included in the regulatory agenda under separate RINs: 0560-AE04, 0560-AE07, 0560-AE09, 0560-AE11, 0560-AE13, 0560-AE14, 0560-AE15, 0560-AE37, 0560-AE87, 0560-AE88, 0560-AE90, 0560-AE98, and 0560-AE99.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF60

199. IMPLEMENTATION OF THE U.S. WAREHOUSE ACT OF 2000

Priority: Other Significant

Legal Authority: PL 106-432

CFR Citation: 7 CFR 735 to 742

Legal Deadline: NPRM, Statutory, February 7, 2001.

Final, Statutory, May 8, 2001.

Abstract: The U.S. Warehouse Act of 2000 replaced the existing statutes governing federally licensed warehouses. This action implements that Act and will re-write all the CFR parts governing warehouses. This will

make U.S. agriculture more competitive in both domestic and foreign markets through efficiencies and cost savings provided by today's computer technology and information management systems.

The Congress originally enacted the USWA in 1916, and amended it in 1919, 1923, and 1931. However, since that time, the authorizing legislation for this program has seen little change.

The Warehouse Act of 2000 makes this program more relevant to today's agricultural marketing system. The statute and its regulations authorize and standardize electronic documents and allow their transfer from buyer to seller across State and international boundaries. This new paperless flow of agricultural commodities from farm gate to end-user will provide significant savings and efficiencies.

The new USWA allows federally licensed warehouse operators to issue electronic warehouse receipts for any approved agricultural product, an authority previously granted to cotton, as well as electronically transmit other business documents, such as grade and weight certificates, certificates, bills of lading, export evidence certificates, and business-related documents required by letters of credit.

The USWA is paid for through user fees. Therefore, implementation of the USWA is basically budget neutral statute.

Timetable:

Action	Date	FR Cite
NPRM	09/04/01	66 FR 46310
NPRM Comment Period End	10/04/01	
Final Rule	02/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG45

200. • INTEREST ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Consolidated Farm and Rural Development Act (CONACT)

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: The Consolidated Farm and Rural Development Act authorizes the Farm Service Agency to establish and carry out an interest rate reduction program, which provides an interest subsidy for guaranteed loans. The existing Interest Assistance Program is cumbersome and administratively expensive for lenders, causing many of them not to participate. The lenders that do participate use it extensively for many of their clients, resulting in an unbalanced and regional use of the program, and not always for those producers most in need of the assistance.

Our proposal is to reduce administrative burden for the lender, with the elimination of the annual needs test, to encourage non-participating lenders to utilize the program. We also propose to reduce the number of years that a producer can receive an interest subsidy and revise the way this is determined. This reduced term will target the program to addressing short-term cash flow problems, and discourage use of the program for major expansion, capital improvements or other longer term purposes.

There will be no change in program funding. However, some allocated funds will be redirected to reach producers more in need of assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
Final Rule	03/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG46

201. • NON-RECOURSE COTTON LOAN AND LOAN DEFICIENCY PAYMENT PROGRAMS; UPLAND COTTON FIRST HANDLER MARKETING CERTIFICATE PROGRAM; AND SEED COTTON RECOURSE LOAN PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 7231; 7 USC 7234 - 7237

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: Changes are proposed to the regulations that implement the upland cotton non-recourse loan and loan deficiency payment (LDP) programs at 7 CFR 1427, subpart A. These changes are being proposed to improve the accuracy and timeliness of producer transactions and are not foreseen as changing the number of program applications or the total value of program outlays. Rather, payment applications and loan settlements will be simply processed in less time, at less cost to the Commodity Credit Corporation (CCC) and the cotton industry, and with a greater degree of accuracy. Additional editorial changes to these regulations are included to improve the precision of the regulations.

It also is proposed that regulations for the Upland Cotton First Handler Marketing Assistance Program at 7 CFR 1427, subpart B, be deleted because they no longer apply to the cotton program. When the cotton marketing loan program was established, the statute limited the loan repayment rate to no less than 70 percent of the loan level. If the world price fell below that minimum level, the difference between the world price and the minimum loan repayment level was to be payable with first handler marketing certificates provided by regulations at subpart B. Because there is no longer any statutory minimum to the loan repayment rate, the regulations at 7 CFR 1427, subpart B are no longer needed.

Finally, one change is proposed to 7 CFR 1427, subpart D, that adds an additional eligibility requirement for the seed cotton loan.

Expected Effects.

- 1.Reduced administrative burden for loan repayments for both FSA and cotton merchants.
- 2.Quicker release of loan collateral by CCC to the market.

USDA—FSA

Proposed Rule Stage

3.Reduced CCC outlays for classification information currently purchased from the Agricultural Marketing Service to represent some cotton. For the 2000 crop, CCC paid approximately \$230,000 for classification information. There could be a corresponding increase in outlays for classification information by ginners or warehouses that consistently have omitted this information from bale lists submitted to CCC.

4.Purchase of software by about 25 ginners and purchase of hardware and software by 6 to 8 ginners.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
Final Rule	02/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG47

202. • OCEAN FREIGHT CLAIMS ADMINISTRATIVE APPEAL PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 7 U.S.C. 1431; 7 U.S.C. 1736o; 15 U.S.C. 714 et seq.; PL 480

CFR Citation: 7 CFR 1405; 7 CFR 1499; 22 CFR 211

Legal Deadline: None

Abstract: This rule will establish an administrative appeals procedure that would be used by the Commodity Credit Corporation (CCC) with respect to ocean transportation cargo loss and damage claims arising under shipments of agricultural commodities made available by CCC under various foreign donation programs. Whether or not title to the commodities has passed from CCC to a cooperating sponsor, which may be a foreign government, private voluntary organization, or private entity, CCC either retains the right or

may be assigned the right to initiate, prosecute, and with certain limited exceptions retain the proceeds of cargo loss and damage claims. This proposed rule sets forth the administrative appeal system to be used in resolving these claims. The proposed rule would require that any recipient of CCC-donated commodities must include in the contract for the ocean transportation of the commodities a provision that the ocean carrier must agree to participate in this administrative appeal process.

The current process requires CCC to file suit against ocean carriers in U.S. District Court to pursue claims that CCC is not able to settle through negotiations. CCC currently does not have an established administrative appeal process to handle the internal review of these cargo claims before the claims are referred to the U.S. Department of Justice for collection through litigation. The total amount of these claims is approximately \$20 million including \$10 million that has been referred to the Department of Justice. Based upon a review of the programs under which these claims arise, CCC has determined that an administrative appeals system is necessary in order to: (1) Provide a more uniform treatment of these types of claims; (2) handle these types of claims in a manner that is more consistent with the manner in which other CCC claims are handled; and (3) ensure compliance with the Debt Collection Improvement Act of 1996.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
Final Rule	02/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG49

203. • RESCHEDULING GUARANTEED LOANS WITH BALLOON PAYMENTS, CLARIFICATION OF ANNUAL ANALYSIS REQUIREMENTS FOR GUARANTEED LENDERS, AND SUBORDINATION REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 1989

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: This rule will revise FSA regulations to allow the rescheduling of guaranteed loans with balloon payments if adequate security is available, eliminate inconsistencies in the CFR regarding annual analysis requirements for lenders, and clarify subordination requirements when no additional debt is incurred.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
Final Rule	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG53

204. • GENERAL REGULATIONS GOVERNING COMMODITY LOANS FOR 1998 AND SUBSEQUENT CROPS

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-224; PL 106-387

CFR Citation: 7 CFR 1421

Legal Deadline: None

Abstract: This action is needed for the clarification of the Marketing Assistance Loan and Loan Deficiency Payment Regulations for the 1998 through 2002 Crops of Wheat, Feed Grain, Rice, Oilseed (Canola, Crambe, Flaxseed, Mustard Seed, Rape Seed, Safflower, Soybean and Sunflower). Through this action we propose to reorganize the current regulations and

USDA—FSA

Proposed Rule Stage

simplify language for better understanding.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
Final Rule	03/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG54

205. • PROMPT DISASTER SET-ASIDE CONSIDERATION AND PRIMARY LOAN SERVICING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 1989

CFR Citation: 7 CFR 1951

Legal Deadline: None

Abstract: The Agency has found that a Disaster Set Aside (DSA) (7 CFR part 1951, subpart T) is often used to correct defaults when the account should have been serviced under the delinquent account restructuring regulations in 7 CFR part 1951, subpart S, commonly referred to as "Primary Loan Servicing," (PLS). Current regulations are not clear on when a DSA is not appropriate versus PLS. When finalized, the rule approved under this workplan will amend the regulations under 7 CFR part 1951 to require that Primary Loan Servicing be considered before a loan default is corrected using a DSA.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
Final Rule	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign

Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG56

206. • 2002-CROP PEANUTS NATIONAL POUNDAGE QUOTA FOR QUOTA PEANUTS

Priority: Other Significant

Legal Authority: 7 USC 1358-1; PL 101-624; PL 103-66; PL 104-127

CFR Citation: 7 CFR 729; 7 CFR 1421; 7 CFR 1446

Legal Deadline: Other, Statutory, December 15, 2001, Announcement of Quota.

Abstract: The objective of the peanut quota is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. This action is required by statute, which provides a formula for computing the national quota based on the Secretary's estimate of the amount of peanuts required for domestic food and related uses for the 2002 marketing year. The 2002 marketing year is from August 1, 2002, through July 31, 2003. The Peanut Program, which includes the poundage quota, price support, and export policies, will result in gross outlays of \$42.6 million that are expected to be offset by repayments and assessments in FY 2002 and subsequent years for a net cost of 0.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
Final Rule	02/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG57

207. • 2002-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO

Priority: Other Significant

Legal Authority: 7 USC 1312; 7 USC 1445

CFR Citation: 7 CFR 723; 7 CFR 1464

Legal Deadline: Other, Statutory, March 1, 2002, Announcement of marketing quotas.

Abstract: Marketing quotas/acreage allotments and price support are required by statute for these kinds of tobacco: Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia sun-cured (type 37), and Cigar Filler and Binder (types 42-44 and 53-55). Quotas and allotments are determined by statutory formula to balance supply with demand to assure stable supplies for domestic and export use. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 2002 crops of fire-cured (types 21-23), dark air-cured (types 35-36) and sun-cured (type 37) in March 2001. Cigar filler and binder (types 42-44 and 53-55) were approved in March 1999. Price support levels are also set by statutory formula. The Secretary may reduce the level at the request of producer associations, and may limit increases to 65 percent of the formula increase. Gross loan outlays of \$1 million are expected in FY 2002, to be offset by loan redemptions and no-net-cost assessments in FY 2002 and subsequent years, for a net cost of 0.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
Final Rule	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851

USDA—FSA

Proposed Rule Stage

Fax: 202 720-5233
 Email: tom_witzig@wdc.fsa.usda.gov
 RIN: 0560—AG58

Department of Agriculture (USDA)
 Farm Service Agency (FSA)

Final Rule Stage

**208. PART 1946 MEDIATION;
 SUBPART A—AGRICULTURAL LOAN
 MEDIATION PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 7 USC 301; PL 103-354, sec 282; PL 106-472, sec 306

CFR Citation: 7 CFR 1946 subpart A

Legal Deadline: Final, Statutory, October 13, 1994.

Abstract: Legislation expanded the State Mediation Programs to include wetland determinations, conservation compliance, and other issues the Secretary deems appropriate. This action will establish procedures for certification and for administering the matching grant program, and set out the Department's duties to participate in such programs. The USDA Reorganization Act of 1994 requires mediation to be a part of the informal hearing process when an officer, employee, or committee of an agency makes an adverse decision. The legislation also requires certification of a State's Mediation Program in order to participate in mediation pursuant to a State's Certified Mediation Program and to enable a State to receive a Federal matching grant(s) to be used for the operation and administration of the program. The Agriculture Improvement Act of 1992 increased the percentage of grants to 70 percent from 50 percent of the cost of a State's program, limited to \$500,000, whichever is the lesser. The Reorganization Act of 1994 extended the mediation program authority through fiscal year 2000. The Grain Standards and Warehouse Improvement Act of 2000 (Pub. L. 106-472) re-authorizes the mediation program by extending it until 2005, clarifies that funds appropriated by Congress to the mediation program be used for farm credit cases, including USDA direct and guaranteed loans and loans from commercial entities, and stresses that mediation services can facilitate counseling services to prepare farmers prior to mediation.

Timetable:

Action	Date	FR Cite
NPRM	11/09/99	64 FR 61034
NPRM Comment Period End	01/10/00	
Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State

Additional Information: This entry was reported as RIN 0575-AB91 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AE26

**209. DAIRY RECOURSE LOAN
 PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 7252

CFR Citation: 7 CFR 1430

Legal Deadline: None

Abstract: Section 142 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7252) requires USDA, through the CCC, to offer recourse loans for dairy products beginning on January 1, 2000. The objective of the program is to assist processors in managing their inventories of eligible dairy products and thereby increase price stability for the dairy industry. The current regulations were promulgated as final without public review or comment, as mandated, as part of the implementation of the Federal Agriculture Improvement and Reform Act of 1996. A notice of proposed rulemaking sought public review and comment on the terms and conditions of the dairy recourse loan program as

currently provided in the regulations. Industry representatives have questioned the advisability of several provisions in the current regulation. No cost is expected.

Timetable:

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39442
NPRM Comment Period End	09/07/99	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AF41

**210. LAMB MEAT ADJUSTMENT
 ASSISTANCE PROGRAM**

Priority: Other Significant

Legal Authority: 7 USC 612c

CFR Citation: 7 CFR 784

Legal Deadline: None

Abstract: This program will provide monetary assistance to eligible sheep and lamb producers who have recently experienced record low prices and poor market conditions due the recent surge of low-priced, imported lamb meat. Lamb meat is being imported into the United States in such increased quantities as to be a substantial cause of threat of serious injury to the domestic lamb meat industry. During the first year of the program, benefits will be provided to eligible sheep and lamb producers throughout the United States based on the number of rams purchased, the number of sheep enrolled in the National Sheep Improvement Program, and the cost of

USDA—FSA

Final Rule Stage

lambing facility improvements during the period August 1, 1999, through July 31, 2000. During the second and third year, benefits will be provided to eligible sheep and lamb producers throughout the United States based on the number of slaughter lamb and feeder lamb marketed, grade, weight, and muscling during the period August 1, 2000, through July 31, 2002. The expected cost is \$30 million.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	06/19/00	
Interim Final Rule	06/21/00	65 FR 38412
Interim Final Rule Comment Period End	07/21/00	
Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG17**211. REDUCTION OF AMORTIZED SHARED APPRECIATION RECAPTURE INTEREST RATE****Priority:** Other Significant**Legal Authority:** PL 87-128; PL 106-387**CFR Citation:** 7 CFR 761; 7 CFR 1910; 7 CFR 1927; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945**Legal Deadline:** None

Abstract: The Farm Service Agency is amending the regulations regarding Shared Appreciation Agreement recapture amortization and reamortization. This modification is necessary because the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act amended the Consolidated Farm and Rural Development Act to reduce the rate applicable to amortizations from the current Homestead Protection Program Rate (currently 6.5%) to 1% less than

that rate. No change in outlays is expected.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Tribal

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG43**212. COLLECTING GUARANTEED LOSS PAYMENTS FROM FSA FARM LOAN PROGRAM BORROWERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3716**CFR Citation:** 7 CFR 762**Legal Deadline:** None

Abstract: This action will revise FSA regulations to provide that any amounts paid by FSA on account of a guaranteed loan borrower will constitute a Federal debt owed to FSA by the guaranteed loan borrower. The rule will not affect any guaranteed borrowers who have had loss claims paid on their guaranteed loans at the present time. Under the new rule, when farmers apply for a guaranteed loan, they will sign a loan application, which includes a section entitled "Federal Debt," in which they agree that any amounts paid by FSA on account of the liabilities of the guaranteed loan borrower will constitute a Federal debt owed to FSA by the guaranteed loan borrower. In such cases, FSA may use all remedies available to it, including offset under the Debt Collection Improvement Act, to collect the debt from the borrower. It will affect only those guaranteed borrowers who have a loss claim paid by FSA to the lender from whom they received a guaranteed loan. Currently, there are approximately 40,000 guaranteed farm loan borrowers with 67,000 loans. Approximately 1,200 loss claims are paid on guaranteed loans per year, and approximately 100 of those loans are discharged in

bankruptcy, leaving approximately 1,100 loans that could be considered for offset.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG44**213. ● TOBACCO MARKETING QUOTAS, CARDS, PENALTY PROVISIONS, RECORDKEEPING AND REPORTING****Priority:** Other Significant**Legal Authority:** 7 U.S.C. 1311 et seq.**CFR Citation:** 7 CFR 723**Legal Deadline:** None

Abstract: This action will amend several sections of the tobacco marketing quota regulations to accommodate the implementation of an improved tobacco market reporting system, consisting mainly of non-auction receiving stations, which are common delivery points for non-auction purchases of flue-cured and burley tobacco. The new reporting system is necessary because an extremely large percentage of the 2001 flue-cured and burley crops is expected to be sold non-auction through private contact arrangements. The new system will allow for electronic reporting and paperwork reduction and will facilitate the tracking and monitoring of producer marketings, which will aid in assuring the integrity of the marketing quota system. Receiving stations are technically dealers, but a system similar to the warehouse system is needed due to the large volume of transactions. Warehouse operators and receiving stations will be given advance information through the flue-cured and burley tobacco designation programs as to the amount of tobacco that will be

USDA—FSA

Final Rule Stage

marketed and the farms from which the tobacco will be delivered. Some cost-savings will accrue to producers, warehouses and receiving stations, and USDA due to more efficient collection of marketing information.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov
RIN: 0560-AG52

214. • 2002-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO**Priority:** Other Significant**Legal Authority:** 7 USC 1314; 7 USC 1445**CFR Citation:** 7 CFR 723; 7 CFR 1464**Legal Deadline:** Other, Statutory, February 1, 2002, Announcement of marketing quotas.

Abstract: The burley tobacco marketing quota and price support are required by statute. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are considered sufficient for producers. The national quota is based on cigarette manufacturers'

intentions, 3-year average exports, a loan stocks adjustment, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that averages market prices (2/3 weight) and a cost index (1/3 weight), plus discretion to limit any increase to 65 percent of the formula increase. Producers approved the program in a referendum for this kind of tobacco held in February 2001. Net receipts of \$10 million in FY 2003 are expected to be offset by loan repayments and no-net-cost assessments in FY 2003 and subsequent years, for a net cost of 0.

Timetable:

Action	Date	FR Cite
Final Rule	04/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov
RIN: 0560-AG59

215. • 2002-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO**Priority:** Other Significant**Legal Authority:** 7 USC 1314; 7 USC 1445**CFR Citation:** 7 CFR 723; 7 CFR 1464**Legal Deadline:** Other, Statutory, December 15, 2001, Announcement of marketing quotas.

Abstract: The flue-cured tobacco marketing quota and price support are required by statute. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are considered sufficient for producers. The national quota is based on cigarette manufacturers' intentions, 3-year average exports, a loan stocks adjustment, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that averages market prices (2/3 weight) and a cost index (1/3 weight), plus discretion to limit any increase to 65 percent of the formula increase. Growers approved the program in a referendum in January 2001. Net receipts of \$10 million in FY 2002 and 2003 are expected to be offset by loan repayments and no-net-cost assessments in FY 2003 and subsequent years, for a net cost of 0.

Timetable:

Action	Date	FR Cite
Final Rule	03/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov
RIN: 0560-AG60

**Department of Agriculture (USDA)
Farm Service Agency (FSA)****Long-Term Actions****216. AMENDMENTS TO THE STANDARDS FOR APPROVAL OF WAREHOUSE FOR COMMODITY CREDIT CORPORATION STORAGE CONTRACTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1421; 7 CFR 1423; 7 CFR 1427**Timetable:**

Action	Date	FR Cite
NPRM-Part 1421	To Be Determined	
NPRM-Part 1423	To Be Determined	
NPRM-Part 1427	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Tom Witzig
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AE50

USDA—FSA

Long-Term Actions

217. DELETION OF FSA REGULATIONS REGARDING COLORADO RIVER BASIN SALINITY CONTROL PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 702; 7 CFR 703; 7 CFR 752**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AE54**218. AMENDMENTS TO THE DEBT SETTLEMENT POLICIES AND PROCEDURES TO CONFORM TO THE DEBT COLLECTION IMPROVEMENT ACT OF 1996****Priority:** Other Significant**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF22**219. AMENDMENT TO THE FARM RECONSTITUTION REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 718**Timetable:**

Action	Date	FR Cite
NPRM	02/04/00	65 FR 5444
NPRM Comment Period End	03/06/00	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF36**220. 1999-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF50**221. REMOVE INTERNAL AGENCY PROVISIONS FROM FSA FARM CREDIT PROGRAM REGULATIONS FOR LIQUIDATION OF LOANS SECURED BY REAL ESTATE AND ACQUISITION OF REAL AND CHATTEL PROPERTY****Priority:** Info./Admin./Other**CFR Citation:** 7 CFR 1955**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF53**222. LOW DOCUMENTATION LOAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1910; 7 CFR 1941**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/09/01	66 FR 1570
Interim Final Rule Effective	01/09/01	
Interim Final Rule Comment Period End	03/12/01	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF71**223. STREAMLINING OF THE EMERGENCY FARM LOAN PROGRAM REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1945**Timetable:**

Action	Date	FR Cite
NPRM	09/12/00	65 FR 54973
NPRM Comment Period End	11/13/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF72**224. AMENDMENTS TO THE CONSERVATION RESERVE PROGRAM REGULATIONS REGARDING LAND ELIGIBILITY****Priority:** Other Significant**CFR Citation:** 7 CFR 1410**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF77

USDA—FSA

Long-Term Actions

225. 2000-CROP PEANUTS NATIONAL POUNDAGE QUOTA, NATIONAL AVERAGE LOAN RATES FOR QUOTA AND ADDITIONAL PEANUTS AND MINIMUM EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS**Priority:** Other Significant**CFR Citation:** 7 CFR 729; 7 CFR 1446**Timetable:**

Action	Date	FR Cite
NPRM	11/30/99	64 FR 66790
NPRM Comment Period End	12/10/99	
Quota Announcement	12/13/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AF83**226. 2000-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Quota Announcement	12/15/99	
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AF84**227. DISASTER SET-ASIDE PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1951**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/17/00	65 FR 31248
Interim Final Rule Comment Period End	07/17/00	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AF91**228. DESIGNATION OF NON-AUCTION TOBACCO****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1464**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AG07**229. AGRICULTURAL DISASTER AND MARKET ASSISTANCE****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1411; 7 CFR 1427; 7 CFR 1439; 7 CFR 1464; 7 CFR 1478**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/00	65 FR 36550
Interim Final Rule Comment Period End	07/10/00	
Correction Final Rule	08/01/00	65 FR 47840
	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AG14**230. NONINSURED CROP DISASTER ASSISTANCE PROGRAM REGULATIONS FOR THE 2001 AND SUCCEEDING CROP YEARS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1437**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AG20**231. EMERGENCY CONSERVATION PROGRAM****Priority:** Other Significant**CFR Citation:** 7 CFR 701**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AG26**232. 2001-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560—AG28

USDA—FSA

Long-Term Actions

233. 2001-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO**Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG29**234. 2001-CROP MARKETING AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG30**235. 2001-CROP PEANUTS NATIONAL POUNDAGE QUOTA, NATIONAL AVERAGE LOAN RATES FOR 2001-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS****Priority:** Other Significant**CFR Citation:** 7 CFR 729; 7 CFR 1421; 7 CFR 1446**Timetable:**

Action	Date	FR Cite
Announcement	12/15/00	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG31**236. LIVESTOCK INDEMNITY PROGRAM AND LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT GROWERS****Priority:** Other Significant**CFR Citation:** 7 CFR 1439**Timetable:**

Action	Date	FR Cite
Final Rule: LIP-CG	12/29/00	65 FR 82892
NPRM: LIP 2000	03/07/01	66 FR 13679
NPRM Comment	04/06/01	
Period End: LIP 2000		
Final Rule: LIP 2000	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG33**237. CONSERVATION RESERVE PROGRAM—FAILURE TO ESTABLISH COVER AND GOOD FAITH RELIANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1410**Timetable:**

Action	Date	FR Cite
NPRM	03/15/01	66 FR 15048
NPRM Comment	05/14/01	
Period End		
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG37**238. CONSERVATION OF FARMABLE WETLANDS****Priority:** Other Significant**CFR Citation:** 7 CFR 1410**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG38**239. TOBACCO LOSS ASSISTANCE PROGRAM AND AMENDMENTS TO THE TOBACCO MARKETING QUOTA REGULATIONS****Priority:** Other Significant**CFR Citation:** 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG40**240. COLLECTION OF APPRAISAL FEES FOR FARM LOAN PROGRAMS, INSURED LOANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 761; 7 CFR 1910; 7 CFR 1927; 7 CFR 1941; 7 CFR 1945;

...

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG42

USDA—FSA

Long-Term Actions

241. • ELIMINATION OF 30-DAY PAST-DUE PERIOD FOR FARM LOAN PROGRAM BORROWERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1989; 31 USC 3716; 42 USC 1480**CFR Citation:** 7 CFR 1951**Legal Deadline:** None

Abstract: Currently, borrowers are considered “past due” for the first 30 days after a missed Farm Loan Program (FLP) payment and are then “delinquent.” This is not consistent with the terminology used by Farm Programs (FP), which considers borrowers “delinquent” immediately after a missed payment. This action will eliminate the 30-day past due period prior to delinquency. In addition to clarification and consistency, this change would allow FLP borrowers to receive debt write-down on the day after a missed payment, assuming all other primary loan servicing criteria are met, instead of waiting 31 days. This change will also clarify the use of the word delinquent with regard to all servicing and offsets. The rule will not affect the statutorily required “90 days past due” criteria that is currently used to determine the onset of primary loan servicing. This rule will not significantly affect costs for either the government or borrowers.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG50

242. • TOBACCO MARKETING QUOTAS, ACREAGE ALLOTMENTS AND PRODUCTION ADJUSTMENT**Priority:** Other Significant**Legal Authority:** 7 USC 1311 et seq; 7 USC 1445**CFR Citation:** 7 CFR 1464**Legal Deadline:** None

Abstract: This rule will require that burley tobacco producers designate their quota tobacco to a specific auction warehouse, buying company, or dealer as a condition for receiving price support. This action is a recommendation of the Burley Tobacco Advisory Committee and will establish a Grower Designation Program for burley tobacco similar to a program for flue-cured tobacco that has been in operation since 1974. The purpose of the program will be to improve the marketing of burley tobacco by enabling more efficient staffing of warehouses with warehouse employees and government inspectors. Designation of burley tobacco is expected to take place June 1, 2001, through August 1, 2001.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG51

243. • AMENDMENT TO THE REGULATIONS FOR DETERMINING ACREAGE FOR SKIP-ROW COTTON**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1373; 7 USC 1374; 7 USC 7201; 15 USC 714(b) and (c); 21 USC 889**CFR Citation:** 7 CFR 718.107**Legal Deadline:** None

Abstract: This action will amend the regulations for determining acreage for acreage-based program payments such as crop insurance and disaster payments. Program regulations provide that cotton acreage planted in a “skip-row” pattern should be factored when determining program payments. The current regulations defining skip rows allows some producers to take advantage of the provisions and devise cotton planting patterns that are considered solidly planted, and thus inflate their program payment acreage. This rule will close that loophole. Program payments using acreage determinations based on skip-row planting patterns will be more equitably distributed and crop insurance payments will be more accurate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG55

Department of Agriculture (USDA)
Farm Service Agency (FSA)
Completed Actions
244. SELECTION AND FUNCTIONS OF FARM SERVICE AGENCY STATE AND COUNTY COMMITTEES
Priority: Info./Admin./Other

CFR Citation: 7 CFR 7

Completed:

Reason	Date	FR Cite
Withdrawn	10/05/01	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AE33

245. SMALL HOG OPERATION PAYMENT PLAN
Priority: Other Significant

CFR Citation: 7 CFR 761

Completed:

Reason	Date	FR Cite
No Further Action To Be Taken	10/05/01	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AF70

246. NORTHEAST INTERSTATE DAIRY COMPACT
Priority: Other Significant

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Withdrawn	10/09/01	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG25

247. • SUGAR PAYMENT-IN-KIND (PIK) DIVERSION PROGRAM
Priority: Economically Significant

Legal Authority: 7 U.S.C. 1308a

CFR Citation: None

Legal Deadline: None

Abstract: Sugar Program costs may increase because the FY 2001 Appropriations Act requires that CCC offer nonrecourse loans, which provide processors with the option of forfeiting sugar pledged as collateral. Processors may continue to exercise this option given the outlook for continued excess supply of sugar in domestic markets, a 793,000-ton, raw value, CCC sugar inventory, and the absence of a CCC inventory disposal plan. The risk, magnitude, and cost of potential forfeitures would be reduced if the Secretary has the ability, by means of a Sugar PIK Diversion Program, to replace sugar on the domestic market made from harvested sugar beets with sugar from CCC's inventory. A Sugar PIK Diversion Program would help restore balance to the sugar market and reduce CCC's sugar acquisition and storage costs. Without implementation

of this Program, domestic sugar supplies are expected to exceed domestic demand requirements, leaving prices at low levels and increasing the likelihood of a second consecutive year of forfeitures in FY 2001. These forfeitures of sugar would increase CCC's current monthly storage costs of almost \$1.4 million.

This option would enable the Secretary to achieve savings of \$6.66 million annually based on the results of the FY 2000 PIK Diversion Program. The FY 2000 PIK Program produced a \$555,000 reduction in monthly CCC storage costs and diverted about 7 percent of sugarbeet acreage from production. Reintroduction of the PIK Program in FY 2001 has received encouragement from growers and processors, who strongly supported the FY 2000 PIK Diversion Program.

Timetable:

Action	Date	FR Cite
Notice	09/12/01	66 FR 47447

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 6734-S, 14th and Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: tom_witzig@wdc.fsa.usda.gov

RIN: 0560-AG48

BILLING CODE 3410-05-S
Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)
Prerule Stage
248. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS
Priority: Other Significant

Legal Authority: 7 USC 2131 to 2159

CFR Citation: 9 CFR 3

Legal Deadline: None

Abstract: The U.S. Department of Agriculture regulates the treatment of certain marine mammals under the

Animal Welfare Act. The present standards for treatment of these animals have been in effect for over 10 years. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. We intend to develop amendments to the marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. The amendments would be to standards

affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphins programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

USDA—APHIS

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit

84, 4700 River Road, Riverdale, MD 20737-1234
Phone: 301 734-7833

RIN: 0579-AB24

Department of Agriculture (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

249. PLANT PEST REGULATIONS; UPDATE OF CURRENT PROVISIONS (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 7 USC 450; 7 USC 2260; 7 USC 7711 to 7712; 7 USC 7714; 7 USC 7718; 7 USC 7731; 7 USC 7734; 7 USC 7751; 7 USC 7754; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

CFR Citation: 7 CFR 330

Legal Deadline: None

Abstract: APHIS is undertaking rulemaking to amend its plant pest regulations by: (1) Setting out the criteria that will be used by APHIS when considering whether an organism is a plant pest; (2) adding a permit category for organisms that would be released into the environment for purposes such as the biological control of weeds; (3) establishing a notification system that could be used in place of permits for the importation and interstate movement of regulated organisms; and (4) revising or amending existing portions of the regulations to clarify or update requirements, eliminate redundancy, and make the regulations easier for the public to use. This action will serve as a follow-up to the advance notice of proposed rulemaking that APHIS published in the Federal Register on September 27, 1996, to solicit input on the need for regulatory changes and alternative methods of addressing plant pest risk.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/96	61 FR 50767
ANPRM Comment Period End	12/26/96	
NPRM	10/09/01	66 FR 51340
NPRM Comment Period End	12/10/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dr. Robert Flanders, Permits and Risk Assessment, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 141, 4700 River Road, Riverdale, MD 20737-1228
Phone: 301 734-5930

RIN: 0579-AA80

250. PHYTOSANITARY TREATMENT BY IONIZING ENERGY OF IMPORTED FRESH FRUITS AND VEGETABLES

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772

CFR Citation: 7 CFR 305; 7 CFR 319.56

Legal Deadline: None

Abstract: This rulemaking would establish ionizing energy (irradiation) as a new treatment alternative for the importation of certain fresh fruits and vegetables. Ionizing energy would be allowed as an alternative to mitigation measures that are required to control certain species of fruit flies in a variety of imported fruits and vegetables. If this proposal is adopted, importers of certain fruits and vegetables will have an additional alternative to the currently approved treatments, such as fumigation and cold treatment, for treating their articles. No net societal gains and losses other than small price-related changes are expected from this rulemaking.

Timetable:

Action	Date	FR Cite
Policy Statement for Irradiation Treatment of Fresh Fruits and Vegetables	05/15/98	63 FR 24433
Proposed Rule	05/26/00	65 FR 34113
Comment Period End	07/25/00	
Proposed Rule (Supplemental Monitoring)	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donna L. West, Import Specialist, Phytosanitary Issues Management Team, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-6799

RIN: 0579-AA97

251. IMPORTATION OF SOLID WOOD PACKING MATERIAL

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7701 to 7772

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: APHIS is undertaking rulemaking to strengthen restrictions on the importation of solid wood packing material (e.g., crates, dunnage, wooden spools, pallets, packing blocks) into the United States. Imported solid wood packing material (SWPM) has been linked to introductions of exotic plant pests, such as the pine shoot beetle and the Asian longhorned beetle. These and other plant pests that could be carried by imported SWPM pose a serious threat to U.S. agriculture and to natural, cultivated, and urban forests. SWPM accompanies nearly all types of imported commodities, from fruits and vegetables to machinery and electrical equipment.

Timetable:

Action	Date	FR Cite
ANPRM	01/20/99	64 FR 3049
ANPRM Comment Period End	03/22/99	
Notice	07/07/99	64 FR 36608
Comment Period End	09/07/99	
Notice	10/17/00	65 FR 61301
Proposed Rule	09/00/02	
Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: Undetermined

USDA—APHIS

Proposed Rule Stage

Government Levels Affected:

Undetermined

Additional Information:

APHIS documents published in the Federal Register, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

Agency Contact: Dr. Robert Flanders, Permits and Risk Assessment, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 141, 4700 River Road, Riverdale, MD 20737-1228

Phone: 301 734-5930

RIN: 0579-AA99

252. BLOOD AND TISSUE COLLECTION AT LIVESTOCK SLAUGHTERING ESTABLISHMENTS

Priority: Other Significant

Legal Authority: 21 USC 111 to 113; 21 USC 114a to 114a-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 71**Legal Deadline:** None

Abstract: We are considering establishing requirements for the collection of blood and tissue samples from livestock (horses, cattle, bison, sheep, and swine) and poultry at slaughter establishments when it is necessary for disease surveillance. Under this proposal, any person who moves an animal interstate for slaughter could only move the animal to a slaughter establishment that has been approved by the Administrator. The Administrator would approve a slaughter establishment after determining that it is not necessary to conduct testing at the establishment or determining that it is necessary to conduct testing at the establishment and the establishment provides space and facilities to collect blood and tissue samples for disease testing. This collection of blood and tissue samples would enable us to identify animals at slaughter that are affected by various communicable diseases. This change would affect persons moving animals interstate for slaughter, slaughter plants that receive animals in interstate commerce, and in cases where an animal that tests positive can be successfully traced back to its herd or flock of origin, the owners of such

herds or flocks. The long-term effects of this change would be to improve surveillance programs for animal diseases and to contribute to the eventual control or eradication of such diseases.

Timetable:

Action	Date	FR Cite
Proposed Rule	12/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Dr. Diane Sutton, Senior Staff Veterinarian, VS, National Animal Health Programs, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-4363

RIN: 0579-AB13

253. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 to 136a

CFR Citation: 7 CFR 319.56 to 319.56-8**Legal Deadline:** None

Abstract: Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This proposed rule would amend our regulations to require that a phytosanitary certificate accompany all fruits and vegetables imported into the United States, with certain exceptions. This proposal would include commercial produce imported into the United States, as well as fruits and vegetables brought in by travelers. We would exempt from this requirement fruits and vegetables that are dried, cured, frozen, or processed, as well as fruits and vegetables that travelers and shoppers bring into the United States for personal use through land ports-of-entry located along the Canadian and Mexican borders. If implemented, this proposal would require changes in the practices of importers and travelers who bring produce into the United States from other countries.

Timetable:

Action	Date	FR Cite
Proposed Rule	08/29/01	66 FR 45637
Comment Period End	10/29/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Wayne D. Burnett, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236

Phone: 301 734-6799

RIN: 0579-AB18

254. BEES, BEEKEEPING BYPRODUCTS, AND BEEKEEPING EQUIPMENT (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 7 USC 281; 7 USC 7701 to 7772

CFR Citation: 7 CFR 319; 7 CFR 322**Legal Deadline:** None

Abstract: We propose to revise the regulations for the importation of honeybees and honeybee semen. Among other things, we propose to allow, under certain conditions, the importation into the United States of honeybees from Australia and honeybees and honeybee germ plasm from New Zealand. We also propose changes to make these regulations more consistent with standards established by the Office International des Epizooties, to update them to reflect current research and terminology, and to simplify them and make them more useful.

In addition, we propose to combine the regulations for the importation of honeybees and honeybee semen with the regulations established to prevent the introduction of exotic bee diseases and parasites through the importation of bees other than honeybees, certain beekeeping byproducts, and used beekeeping equipment. This change would make the regulations more useful by consolidating all of the requirements related to the importation of bees, beekeeping byproducts, and used beekeeping equipment into one part.

USDA—APHIS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Proposed Rule	01/00/02	
Comment Period End	03/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Dr. Wayne Wheling, Permits and Risk Assessment, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 141, 4700 River Road, Riverdale, MD 20737-1228
Phone: 301 734-8757

RIN: 0579-AB20

255. VETERINARY DIAGNOSTIC USER FEES—5-YEAR PLAN FOR FEES (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5542; 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114 to 114a; 21 USC 134a; 21 USC 134c to 134d; 21 USC 134f; 21 USC 136 to 136a; 31 USC 3701; 31 USC 3716; 31 USC 3717; 31 USC 3719; 31 USC 3720A; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.4

CFR Citation: 9 CFR 130

Legal Deadline: None

Abstract: We are proposing user fees for multiple fiscal years for APHIS' Veterinary Services' veterinary diagnostic user fee goods and services. We are proposing this action in order to ensure that we recover the full costs of providing these goods and services.

Timetable:

Action	Date	FR Cite
Proposed Rule	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Donna Ford, User Fee Section Head, FSSB, BASE, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-8351

RIN: 0579-AB22

256. NURSERY STOCK REGULATIONS (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to 7754; 21 USC 136 to 136a; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.3

CFR Citation: 7 CFR 300; 7 CFR 319

Legal Deadline: None

Abstract: We are proposing to amend the regulations for importing nursery stock to provide additional treatment certifications for the importation of niger seed and lilac, to reflect recent changes in plant taxonomy and pest distributions, and to make various changes to the requirements for postentry quarantine of imported plants. We are also proposing several other amendments to update and clarify the regulations and improve their effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Wayne D. Burnett, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-6799

RIN: 0579-AB23

257. ● DRAFT ACTION PLAN FOR THE NOXIOUS WEEDS PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772

CFR Citation: 7 CFR 360

Legal Deadline: None

Abstract: We are requesting comments on a draft document titled "Draft Action Plan for the Noxious Weeds Program" that we have developed. The draft document recommends specific changes to the noxious weeds regulatory program, including changes to the noxious weeds regulations. Because these recommendations may form the basis for future rulemaking,

we are requesting public comments on the draft document so that we may consider any relevant public input before taking further action.

Timetable:

Action	Date	FR Cite
Notice	02/00/02	
Comment Period End	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Alan V. Tasker, National Weed Program Coordinator, Invasive Species and Pest Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-5225

RIN: 0579-AB30

258. ● SALMONELLA ENTERITIDIS PHAGE-TYPE 4; REMOVE IMPORT RESTRICTIONS

Priority: Other Significant

Legal Authority: 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.4

CFR Citation: 9 CFR 94

Legal Deadline: None

Abstract: We are proposing to amend the regulations to remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where Salmonella enteritidis phage-type 4 exists. Previously, Salmonella enteritidis phage-type 4 had not been isolated in the United States; therefore, those import restrictions were necessary to help prevent Salmonella enteritidis phage-type 4 from being introduced into this country. However, Salmonella enteritidis phage-type 4 is now known to be present in the United States. This proposed rule would eliminate unnecessary trade restrictions on other regions where Salmonella enteritidis phage-type 4 exists.

Timetable:

Action	Date	FR Cite
Proposed Rule	03/00/02	

USDA—APHIS

Proposed Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Michael David, Asst. Director, Sanitary International Standards Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 33, 4700 River Road, Riverdale, MD 20737
Phone: 301 734-8093

RIN: 0579-AB31

USC 9701; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.4

CFR Citation: 9 CFR 93

Legal Deadline: None

Abstract: We are proposing to place in the regulations standards for permanent privately-owned quarantine facilities for horses.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	

Health Inspection Service, Unit 39, 4700 River Road, Riverdale, MD 20737
Phone: 301 734-8364

RIN: 0579-AB32

260. • FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY

Regulatory Plan: This entry is Seq. No. 3 in part II of this issue of the **Federal Register**.

RIN: 0579-AB34

259. • STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 136 to 136a; 31

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. James P. Davis, Senior Staff Veterinarian, VS, National Center for Import/Export, Department of Agriculture, Animal and Plant

261. • CHRONIC WASTING DISEASE IN ELK; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY

Regulatory Plan: This entry is Seq. No. 4 in part II of this issue of the **Federal Register**.

RIN: 0579-AB35

Department of Agriculture (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

262. IMPORTATION OF FUJI APPLES FROM THE REPUBLIC OF KOREA

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 to 136a

CFR Citation: 7 CFR 319.56-2cc

Legal Deadline: None

Abstract: This action would amend the regulations that allow Fuji variety apples to be imported into the United States. It would allow Fuji variety apples to be imported from the Republic of Korea under a systems approach, including strict cultural control conditions, from certified orchards. This action is in response to a request from the Republic of Korea. We reviewed scientific studies and data on the Republic of Korea's pest management practices in export orchards and believe that the conditions to which the importation of Fuji variety apples from certified orchards in the Republic of Korea would be subject would reduce the risk of pest introduction to a negligible level.

Timetable:

Action	Date	FR Cite
Proposed Rule	04/26/00	65 FR 24423

Action	Date	FR Cite
Comment Period End	06/26/00	
Comment Period Extended	08/22/00	65 FR 50937
Comment Period End	10/23/00	
Final Rule	03/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Wayne D. Burnett, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-6799

RIN: 0579-AA93

administrative procedures to make them more efficient. We believe these actions are necessary to help ensure compliance with the regulations and the Animal Welfare Act.

Timetable:

Action	Date	FR Cite
Proposed Rule	08/04/00	65 FR 47908
Comment Period End	10/03/00	
Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Agency Contact: Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 84, 4700 River Road, Riverdale, MD 20737-1234
Phone: 301 734-7833

RIN: 0579-AA94

263. ANIMAL WELFARE; INSPECTION, LICENSING, AND PROCUREMENT OF ANIMALS (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2131 to 2159

CFR Citation: 9 CFR 1 to 2

Legal Deadline: None

Abstract: This action would make several amendments to the Animal Welfare Act regulations to clarify them and improve their enforceability. In addition, it would amend a number of

264. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES FROM MEXICO

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to

USDA—APHIS

Final Rule Stage

7754; 21 USC 136 to 136a; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.3

CFR Citation: 7 CFR 319.40

Legal Deadline: None

Abstract: This action would add restrictions on the importation of pine and fir logs and lumber, as well as other unmanufactured wood articles, from Mexico. These wood articles from Mexico would have to meet certain treatment and handling requirements to be eligible for importation into the United States. We believe this action is necessary to prevent the introduction into the United States of dangerous plant pests, including forest pests, with unmanufactured wood articles from Mexico.

Timetable:

Action	Date	FR Cite
Proposed Rule	06/11/99	64 FR 31512
Comment Period End	08/10/99	
Final Rule	03/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Wayne D. Burnett, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236

Phone: 301 734-6799

RIN: 0579-AB02

265. COMMERCIAL TRANSPORTATION OF EQUINES TO SLAUGHTER

Priority: Other Significant

Legal Authority: 7 USC 1901

CFR Citation: 9 CFR 70; 9 CFR 88 (New)

Legal Deadline: None

Abstract: This action would establish regulations pertaining to the commercial transportation of equines to slaughter. The purpose of these regulations is to establish minimum standards to ensure the humane movement of equines to slaughter via commercial transportation. We are proposing these regulations to fulfill our responsibility under the 1996 Farm Bill to regulate the commercial transportation of equines to slaughter by persons regularly engaged in that activity within the United States.

Timetable:

Action	Date	FR Cite
Proposed Rule	05/19/99	64 FR 27210
Comment Period End	07/19/99	
Final Rule	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dr. Timothy R. Cordes, Senior Staff Veterinarian, National Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-3279

RIN: 0579-AB06

266. IMPORTATION OF UNSHU ORANGES

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 to 136a

CFR Citation: 7 CFR 319.28

Legal Deadline: None

Abstract: We are proposing to amend the regulations governing the importation of citrus fruit to allow, under certain conditions, Unshu oranges grown on Kyushu Island, Japan, to be imported into the United States. We are also proposing to amend the regulations for importing Unshu oranges from Honshu Island, Japan, by requiring fumigation using methyl bromide prior to exportation and by allowing the fruit to be imported into commercial citrus-producing areas of the United States. In addition, we are proposing to remove the requirement for individually wrapping Unshu oranges imported from Japan or the Republic of Korea. These actions would relieve restrictions on the importation into and distribution within the United States of Unshu oranges without presenting a significant risk of introducing citrus canker or other diseases or pests of plants.

Timetable:

Action	Date	FR Cite
Proposed Rule	04/18/01	66 FR 19892
Comment Period End	06/18/01	
Final Rule	03/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected:

Undetermined

Agency Contact: Dr. Inder Paul Gadh, Senior Staff Officer, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236

Phone: 301 734-6799

RIN: 0579-AB17

267. PLUM POX COMPENSATION

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 7711 to 7712; 7 USC 7714; 7 USC 7731; 7 USC 7735; 7 USC 7751 to 7754; sec 301.75-15 also issued under sec 204, title II, PL 106-113; 113 Stat. 1501A-293; sec 301.75-15 and 301.75.16 also issued under sec 203; title II, PL 106-224, 114 Stat. 400 (7 USC 1421 note)

CFR Citation: 7 CFR 301.74-5

Legal Deadline: None

Abstract: APHIS has published an interim rule amending its plum pox regulations to provide for the payment of compensation to the owners of commercial stone fruit orchards and fruit tree nurseries who had stone fruit trees or nursery stock destroyed in order to control plum pox. The payment of these funds is necessary in order to reduce the economic impact of the plum pox quarantine on affected commercial stone fruit growers and fruit tree nursery owners. APHIS anticipates finalizing this interim rule after addressing the comments received.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/14/00	65 FR 55431
Interim Final Rule Comment Period End	11/13/00	
Final Rule	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen R. Poe, Operations Officer, Program Support Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1236

Phone: 301 734-8247

RIN: 0579-AB19

USDA—APHIS

Final Rule Stage

268. ANIMAL WELFARE; POLICY ON ENVIRONMENT ENHANCEMENT FOR NONHUMAN PRIMATES**Priority:** Other Significant**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 3.81**Legal Deadline:** None

Abstract: APHIS' Animal Welfare Act regulations require that dealers, exhibitors, and research facilities that maintain nonhuman primates develop and follow a plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates.

APHIS is preparing a final policy statement to provide guidance on what we believe must be considered and included in the plan in order for dealers, exhibitors, and research facilities to adequately promote the psychological well-being of nonhuman primates. This final policy statement addresses the comments received in response to our draft policy statement.

Timetable:

Action	Date	FR Cite
Draft Policy Statement	07/15/99	64 FR 38145
Comment Period End	10/13/99	
Final Policy Statement	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 84, 4700 River Road, Riverdale, MD 20737-1234

Phone: 301 734-7833

RIN: 0579-AB25

269. • IMPORTATION PROHIBITIONS BECAUSE OF BOVINE SPONGIFORM ENCEPHALOPATHY**Priority:** Other Significant

Legal Authority: 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 18 USC 1306; 21 USC 111; 21 USC 134b to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.4

CFR Citation: 9 CFR 94.18; 9 CFR 95.1; 9 CFR 95.4; 9 CFR 95.29 (New)

Legal Deadline: None

Abstract: This interim rule prohibits, with limited exceptions, the

importation of certain animal materials and their derivatives, and any products they are used in, from regions considered to present an unacceptable risk of introducing bovine spongiform encephalopathy (BSE) into the United States. Additionally, it requires that those materials, when imported from regions not considered at risk for BSE, be accompanied by Government certification regarding the species, region of origin, processing, and handling of the materials and the animals from which they were derived. These actions are necessary to ensure that materials containing the BSE agent are not imported into the United States.

Timetable:

Action	Date	FR Cite
IRM Retroactively Effective	12/07/00	
Interim Final Rule	08/14/01	66 FR 42595
Sec 95.29 Effective	08/14/01	
Comment Period End	10/15/01	
Interim Final Rule	03/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Dr. Donna L. Malloy, Senior Staff Veterinarian, Technical Trade Services, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-3277

RIN: 0579-AB26

270. • INTERSTATE MOVEMENT OF SWINE WITHIN A PRODUCTION SYSTEM**Priority:** Other Significant

Legal Authority: 21 USC 111 to 113; 21 USC 114a to 114a-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.4

CFR Citation: 9 CFR 71; 9 CFR 85**Legal Deadline:** None

Abstract: We are establishing an alternative to the current requirements for moving swine interstate. Under this alternative, persons may move swine interstate without meeting individual swine identification and certain other requirements if they move the swine within a single swine production system, and if swine producers

participating in that system sign agreements with the Animal and Plant Health Inspection Service and involved State governments to monitor the health of animals moving within the swine production system and to facilitate traceback of these animals if necessary. This action will facilitate the interstate movement of swine while continuing to provide protection against the interstate spread of swine diseases. This action will affect persons engaged in swine production against the interstate spread of swine diseases. This action will affect persons engaged in swine production who regularly move swine interstate in their business operations.

Timetable:

Action	Date	FR Cite
Proposed Rule	09/21/00	65 FR 57106
Comment Period End	11/20/00	
Final Rule	01/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

Agency Contact: Dr. Arnold C. Taft, Senior Staff Veterinarian, National Animal Health Programs Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-4916

RIN: 0579-AB28

271. • ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS; PAYMENT OF INDEMNITY**Priority:** Other Significant

Legal Authority: 21 USC 111 to 114a-1; 21 USC 120 to 121; 21 USC 125; 21 USC 134b

CFR Citation: 9 CFR 50**Legal Deadline:** None

Abstract: This action will provide that APHIS will pay owners of animals destroyed because of bovine tuberculosis an indemnity equal to the difference between the net salvage received and the appraisal value of the animals destroyed up to \$3,000 per animal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/02	

USDA—APHIS

Final Rule Stage

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Joseph Van Tiem, Staff Veterinarian, VS, National Animal Health Program, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231
Phone: 301 734-7716
Email: jvantiem@aphis.usda.gov

RIN: 0579-AB29**272. • BLACK STEM RUST; ADDITION OF RUST-RESISTANT VARIETIES (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant

Legal Authority: 7 USC 166; 7 USC 7711 to 7712; 7 USC 7714; 7 USC 7731; 7 USC 7735; 7 USC 7751 to 7754; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.3

CFR Citation: 7 CFR 301**Legal Deadline:** None

Abstract: We are proposing to add 32 new varieties to the list of rust-resistant varieties of Berberis, Mahoberberis, or Mahonia spp. We are also proposing to update the regulations to reflect changes to the variety listing process.

Timetable:

Action	Date	FR Cite
Proposed Rule	04/07/98	63 FR 16908

Action	Date	FR Cite
Comment Period End	05/22/98	
Proposed Rule; Withdrawal and Reproposal	06/14/01	66 FR 32268
Comment Period End	08/13/01	
Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Dr. Vedpal S. Malik, National Karnal Bunt Coordinator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1231
Phone: 301 734-6774

RIN: 0579-AB33

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

273. IMPORTATION OF CERTAIN EMBRYOS AND ANIMAL SEMEN (SECTION 610 REVIEW)**Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 98**Timetable:**

Action	Date	FR Cite
ANPRM	07/08/93	58 FR 36625
ANPRM Comment Period End	09/07/93	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Roger Perkins
Phone: 301 734-8364

RIN: 0579-AA63

Action	Date	FR Cite
Comment Period End	08/24/99	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Gary Colgrove
Phone: 301 734-8364

RIN: 0579-AB03**275. HORSE PROTECTION; HORSE INDUSTRY ORGANIZATIONS****Priority:** Other Significant**CFR Citation:** 9 CFR 11**Timetable:**

Action	Date	FR Cite
Proposed Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Jodie Kulpa
Phone: 301 734-7833

RIN: 0579-AB04**Timetable:**

Action	Date	FR Cite
ANPRM	05/04/99	64 FR 23795
ANPRM Comment Period End	07/06/99	
Public Meeting	11/22/00	65 FR 70330
Public Meeting	01/16/01	66 FR 3532
Public Meeting	03/22/01	66 FR 16031
Public Meeting	05/10/01	66 FR 23877
Public Meeting	07/27/01	66 FR 39134
Public Meeting	08/31/01	66 FR 45957
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Otis Miller
Phone: 301 734-6188

RIN: 0579-AB09**274. ESTABLISHMENT OF REGIONS IN THE EUROPEAN UNION FOR HOG CHOLERA, FOOT-AND-MOUTH DISEASE, AND SWINE VESICULAR DISEASE****Priority:** Other Significant**CFR Citation:** 9 CFR 92; 9 CFR 94; 9 CFR 98**Timetable:**

Action	Date	FR Cite
Proposed Rule	06/25/99	64 FR 34155

276. AQUACULTURE; FARM-RAISED FIN FISH**Priority:** Info./Admin./Other**CFR Citation:** Not Yet Determined**277. PSEUDORABIES IN SWINE; PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 52**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/99	64 FR 2545
Interim Final Rule Comment Period End	04/16/99	
Interim Final Rule	04/18/00	65 FR 20706

USDA—APHIS

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/19/00	
Affirmation of Interim Rules	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Arnold C. Taft
Phone: 301 734-4916

RIN: 0579-AB10

278. IMPORTATION OF BEEF FROM BRAZIL

Priority: Other Significant

CFR Citation: 9 CFR 94

Timetable:

Action	Date	FR Cite
Proposed Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: S. Anne Goodman

Phone: 301 734-4929

RIN: 0579-AB16

279. EXPORTATION OF LIVESTOCK (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 91

Timetable:

Action	Date	FR Cite
Proposed Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Najam Faizi
Phone: 301 734-4356

RIN: 0579-AB21

280. • MEXICAN HASS AVOCADO IMPORT PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to 7754; 21 USC 136 to 136a; 7 CFR 2.22; 7 CFR 2.80; 7 CFR 371.3

CFR Citation: 7 CFR 319.56-2ff

Legal Deadline: None

Abstract: This proposed rule would amend the regulations to allow Mexican Hass avocados to be imported into the United States for 2 additional months (March and April). This proposed rule would allow Mexican Hass avocados to be distributed in 12 additional U.S. states.

Timetable:

Action	Date	FR Cite
Proposed Rule	07/13/01	66 FR 36891
Public Hearing	07/27/01	66 FR 39121
Comment Period End	09/11/01	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Wayne D. Burnett, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-6799

RIN: 0579-AB27

Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)

Completed Actions

281. KARNAL BUNT

Priority: Other Significant

CFR Citation: 7 CFR 301

Completed:

Reason	Date	FR Cite
Final Rule Compensation for the 1999-2000 and Subsequent Crop Seasons	08/06/01	66 FR 40839
Final Rule Effective	08/06/01	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: State

Agency Contact: Vedpal S. Malik
Phone: 301 734-6774

RIN: 0579-AA83

282. INTERSTATE MOVEMENT OF SHEEP AND GOATS FROM STATES THAT DO NOT QUARANTINE SCRAPIE-INFECTED AND SOURCE FLOCKS

Priority: Other Significant

CFR Citation: 9 CFR 54; 9 CFR 79

Completed:

Reason	Date	FR Cite
Final Rule	08/21/01	66 FR 43964
Final Rule Effective	09/20/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Diane Sutton
Phone: 301 734-4363

RIN: 0579-AA90

283. RESTRICTIONS ON THE IMPORTATION OF RUMINANTS, MEAT AND MEAT PRODUCTS FROM RUMINANTS, AND CERTAIN OTHER RUMINANT PRODUCTS

Priority: Other Significant

CFR Citation: 9 CFR 93.404(c); 9 CFR 94.18; 9 CFR 95.4(a); 9 CFR 96.2(b)

Completed:

Reason	Date	FR Cite
Withdrawn	08/21/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donna L. Malloy
Phone: 301 734-3277

RIN: 0579-AA98

USDA—APHIS

Completed Actions

284. REQUIRING TREATMENT OF SOLID WOOD PACKING MATERIAL FROM CHINA

Priority: Economically Significant.
Major under 5 USC 801.

CFR Citation: 7 CFR 319.40

Completed:

Reason	Date	FR Cite
Merged With RIN 0579-AA99	08/21/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Flanders
Phone: 301 734-5930

RIN: 0579-AB01

285. NOXIOUS WEEDS; WEED CATEGORIES AND PRIORITIES

Priority: Other Significant

CFR Citation: 7 CFR 360; 7 CFR 361

Completed:

Reason	Date	FR Cite
Merged With RIN 0579-AB30	08/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Polly Lehtonen
Phone: 301 734-8896

RIN: 0579-AB07

286. NOXIOUS WEEDS; RESTRICTIONS ON INTERSTATE MOVEMENT

Priority: Other Significant

CFR Citation: 7 CFR 360.300

Completed:

Reason	Date	FR Cite
Affirmation of Interim Rule as Final Rule	06/14/01	66 FR 32213

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: Alan V. Tasker
Phone: 301 734-5225

RIN: 0579-AB08

287. CITRUS CANCKER; PAYMENTS FOR COMMERCIAL CITRUS TREE REPLACEMENT AND LOST PRODUCTION INCOME

Priority: Other Significant

CFR Citation: 7 CFR 301.75

Completed:

Reason	Date	FR Cite
FRM (Lost Production)	06/18/01	66 FR 32713
FRM (Tree Replacement)	08/17/01	66 FR 43065
Final Rule Effective	08/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen R. Poe
Phone: 301 734-8247

RIN: 0579-AB15

BILLING CODE 3410-34-S

Department of Agriculture (USDA)

Long-Term Actions

Cooperative State Research, Education, and Extension Service (CSREES)

288. HIGHER EDUCATION MULTICULTURAL SCHOLARS PROGRAM; ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 3409

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Carter
Phone: 202 720-9181
Email: pcarter@reeusda.gov

RIN: 0524-AA09

289. HISPANIC-SERVING INSTITUTIONS EDUCATION GRANTS PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 3412

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Carter
Phone: 202 720-9181
Email: pcarter@reeusda.gov

RIN: 0524-AA17

290. COMMUNITY FOOD PROJECTS ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 3416

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Carter
Phone: 202 720-9181
Email: pcarter@reeusda.gov

RIN: 0524-AA19

291. SMALL BUSINESS INNOVATION RESEARCH PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 3403

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Carter
Phone: 202 720-9181
Email: pcarter@reeusda.gov

RIN: 0524-AA20

292. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH GRANTS PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 3415

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Carter
Phone: 202 720-9181
Email: pcarter@reeusda.gov

RIN: 0524-AA21

USDA—CSREES

Long-Term Actions

293. NATIONAL RESEARCH INITIATIVE COMPETITIVE GRANTS PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Other Significant
CFR Citation: 7 CFR 3411

Timetable: Next Action Undetermined
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Phillip A. Carter
Phone: 202 720-9181
Email: pcarter@reeusda.gov
RIN: 0524-AA22
BILLING CODE 3410-22-S

**Department of Agriculture (USDA)
Rural Housing Service (RHS)**

Proposed Rule Stage

294. CIVIL RIGHTS COMPLIANCE REQUIREMENTS—1901-E TO 1940-D

Priority: Other Significant

Legal Authority: PL 100-259; 29 USC 794; PL 94-135; 42 USC 6101 et seq; PL 94-239; 15 USC 1601 et seq; EO 11246; PL 88-352; 42 USC 2000d et seq; PL 90-284; 42 USC 3601 to 3619; PL 100-430; PL 92-318; 20 USC 1681 et seq; PL 93-112; EO 12898

CFR Citation: 7 CFR 15; 12 CFR 202; 28 CFR 42; 45 CFR 90; 41 CFR 60 to 64; 24 CFR 14; 7 CFR 1940 subpart D; 7 CFR 1901 subpart E

Legal Deadline: None

Abstract: This ruling will effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); title VI of the Civil Rights Act of 1964; title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act); section 504 Federally Conducted and Federally Assisted Programs; title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; and Executive Orders 11246 and 12898 (Environmental Justice). The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws, which heavily impact the Agency's programs. Mechanisms for monitoring compliance by field offices and recipients of Federal financial assistance at all levels will decrease the Agency's vulnerability that exist due to noncompliance with recently enacted Civil Rights legislation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Carlton L. Lewis, Chief, Program Compliance Branch, Department of Agriculture, Rural Housing Service, STOP 0703, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 692-0097
TDD Phone: 202 692-0107
Fax: 202 692-0305
Email: cllewis@rdmail.rural.usda.gov

RIN: 0575-AA83

295. SERVICING COMMUNITY PROGRAMS LOANS AND GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 1989; 31 USC 3711; 42 USC 1480

CFR Citation: 7 CFR 3570 subpart E; 7 CFR 1951 subpart E; 7 CFR 1951 subpart O; 7 CFR 1955 subpart A; 7 CFR 1955 subpart B; 7 CFR 1955 subpart C; 7 CFR 1956 subpart C; 7 CFR 1951 subpart F

Legal Deadline: None

Abstract: The Agency is combining seven regulations affecting the servicing of Community Programs loans and grants into one regulation. There are no policy or procedural changes. The published regulation will be simplified by removing the administrative portion and will only contain the information affecting the public.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Beth Jones, Loan Specialist, Community Programs Division, Department of Agriculture, Rural Housing Service, Room 0183/Stop 0787, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1498
Email: epjones@rdmail.rural.usda.gov

RIN: 0575-AC12

296. MULTI-FAMILY HOUSING

Priority: Other Significant

Legal Authority: 5 USC 301; 42 USC 1490a; 7 USC 1989; 42 USC 1475; 42 USC 1479; 42 USC 1480; 42 USC 1481; 42 USC 1484; 42 USC 1485; 42 USC 1486

CFR Citation: 7 CFR 1806 subpart A; 7 CFR 1955 subpart B; 7 CFR 1955 subpart C; 7 CFR 1956 subpart B; 7 CFR 1965 subpart B; 7 CFR 1965 subpart E; 7 CFR 1930 subpart C; 7 CFR 1944 subpart D; 7 CFR 1944 subpart E; 7 CFR 1951 subpart C; 7 CFR 1951 subpart D; 7 CFR 1951 subpart K; 7 CFR 1951 subpart N; 7 CFR 1955 subpart A

Legal Deadline: None

Abstract: The Rural Housing Service proposes to consolidate regulations pertaining to section 515 Rural Rental Housing, section 514 Farm Labor Housing Loans, section 516 Farm Labor Housing Grants, and section 521 Rental Assistance Payments. Fourteen published regulations will be reduced to one regulation and handbooks for program administration. This will simplify loan origination and portfolio management for applicants, borrowers, and housing operators as well as Rural Development field staff. This will also provide flexibility for program modifications to reflect current and foreseeable changes. It will also reduce regulations that address solely internal Agency program administration. Finally, the regulation will be more

USDA—RHS

Proposed Rule Stage

customer friendly and responsive to the needs of the public.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	
NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Patrick Sheridan, Assistant Deputy Administrator, MFH, Department of Agriculture, Rural Housing Service, Room 1263/Stop 0782, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1609
Email: psherida@rdmail.rural.usda.gov

RIN: 0575-AC13

297. SELF-HELP TECHNICAL ASSISTANCE GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 42 USC 1480

CFR Citation: 7 CFR 1944; 7 CFR 3551

Legal Deadline: None

Abstract: The regulations for 7 CFR 1944-I "Self-Help Technical Assistance Grants" is being rewritten and renumbered to 7 CFR 3551. Changes are proposed for clarification of policy and procedures relative to the: 1) Application procedure, which is changing to an annual competitive grant process; 2) labor contribution of participating families; 3) monitoring of grantee progress through Self-Help Automated Reporting and Evaluation System (SHARES); and 4) define the roles of Technical and Management Assistance Contractors.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Action	Date	FR Cite
--------	------	---------

NPRM Comment
Period End

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daryl Cooper, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 2209/Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250-0783
Phone: 202 720-1366
Fax: 202 720-2232

Carolyn Bell, Chief, Spec. Prog./New Init. Branch, SFH Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1532
Fax: 202 720-2232

RIN: 0575-AC20

**Department of Agriculture (USDA)
Rural Housing Service (RHS)**

Final Rule Stage

298. DIRECT SECTION 502 AND 504 SINGLE-FAMILY HOUSING PROGRAM

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480; 31 USC 3700

CFR Citation: 7 CFR 1806; 7 CFR 1900; 7 CFR 1944; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956; 7 CFR 1965; 7 CFR 3550

Legal Deadline: None

Abstract: The Rural Housing Service reopened the comment period on four sections of this regulation seeking potential changes to the definition of modest housing and calculation of payment subsidies. The Agency has reviewed comments and will be publishing minor corrections and clarifications in the existing regulation. In addition, the Agency will provide an updated definition of modest housing moving away from reliance on the section 203(b) mortgage limits set by the Department of Housing and Urban Development. The Agency will use more localized data and provide clearer guidance to ensure compliance with our mission to finance housing that is decent, safe, sanitary, and

modest. No changes in the payment subsidy are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	04/08/96	61 FR 15395
NPRM Comment Period End	06/07/96	
Interim Final Rule	11/22/96	61 FR 59762
Interim Final Rule Comment Period End	12/26/96	
Interim Final Rule Effective	12/26/96	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Carolyn Bell, Chief, Spec. Prog./New Init. Branch, SFH Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1532
Fax: 202 720-2232

Mike Feinberg, Chief, Loan Origination Branch, SFH Direct Loan Division, Department of Agriculture, Rural

Housing Service, STOP 0783, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3214

RIN: 0575-AB99

299. GUARANTEED SINGLE-FAMILY HOUSING

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 3555; 7 CFR 1980, subpart D

Legal Deadline: None

Abstract: The Rural Housing Service is rewriting the regulations governing the Guaranteed Single-Family Housing program to provide better clarity and consistency within the program. The action is taken to update the regulations to current mortgage industry standards and provide more guidance on program oversight and monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124

USDA—RHS

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/14/00	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses
Government Levels Affected: State, Local

Agency Contact: Roger Glendenning, Deputy Director, Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, Room 2248/Stop 0784, 1400 Independence Avenue SW, Washington, DC 20250-0780
Phone: 202 720-1480
Fax: 202 205-2476
Email: rglendenning@rdmail.rural.usda.gov
RIN: 0575-AC18

300. OPERATING ASSISTANCE FOR MIGRANT FARMWORKER PROJECTS

Priority: Substantive, Nonsignificant
Legal Authority: 7 USC 1989; 42 USC 1484; 42 USC 1486; 42 USC 1490a; PL 105-276, sec 599c
CFR Citation: 7 CFR 1944, subpart D; 7 CFR 1930, subpart C
Legal Deadline: None

Abstract: Regulation implements the provisions of Public Law 105-276, enacted October 21, 1998, which amended section 521 of the Housing Act of 1949. This amendment provides that, for migrant farmworker housing projects financed under section 514 or 516 of the Housing Act, the Secretary may, at the request of the owner, permit amounts provided for rental assistance under section 521 to be used to provide assistance for the costs of operating the project.

Timetable:

Action	Date	FR Cite
NPRM	11/02/00	65 FR 65790
NPRM Comment Period End	01/02/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: David Layfield, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 1239/STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781
Phone: 202 690-0759
Fax: 202 690-3444
Email: dlayfiel@rdmail.rural.usda.gov
RIN: 0575-AC24

301. TECHNICAL ASSISTANCE TO ENCOURAGE THE DEVELOPMENT OF DOMESTIC AND MIGRANT FARM LABOR HOUSING

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 1484; 42 USC 1486
CFR Citation: 7 CFR 1944, subpart D
Legal Deadline: None

Abstract: Section 514 of title V of the Housing Act of 1949 authorizes USDA to make loans for farm labor housing. Section 516 of the Act authorizes USDA to make grants for the same purpose. These authorities are implemented through 7 CFR part 1944, subpart D. Section 516 also authorizes USDA to provide financial assistance to private and public nonprofit agencies to encourage the development of farm labor housing. Recipients of this financial assistance, in turn, assist other organizations obtain loans and grants for the construction of farm labor housing. This regulation change will incorporate the "technical assistance" provision of the statute into 7 CFR 1944. The amount of assistance is limited by statute to 10 percent of the total section 516 allocation.

Timetable:

Action	Date	FR Cite
NPRM	06/01/01	66 FR 29739
NPRM Comment Period End	07/31/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None
Agency Contact: David Layfield, Senior Loan Specialist, Department of

Agriculture, Rural Housing Service, Room 1239/STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781
Phone: 202 690-0759
Fax: 202 690-3444
Email: dlayfiel@rdmail.rural.usda.gov
RIN: 0575-AC25

302. • 7 CFR 3565, GUARANTEED RURAL RENTAL HOUSING, SECTION 538 STATUTORY CHANGES

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 1484; 42 USC 1486; PL 106-569
CFR Citation: 7 CFR 3565
Legal Deadline: None

Abstract: Section 538 of title V of the Housing Act of 1949 authorizes the Secretary of Agriculture to make commitments to guarantee loans for the development of housing and related facilities. By this authority, the Rural Housing Service administers the Guaranteed Rural Rental Housing Program. Program regulations have been issued at 7 CFR part 3565. The regulations are being revised to implement statutory changes that were made to section 538 of the Housing Act of 1949. The Act was amended by Public Law 106-569 on December 27, 2000. These regulatory revisions are required by the statutory change and the revisions to the regulation will only restate the statutory requirements.

Timetable:

Action	Date	FR Cite
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Douglas MacDowell, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Stop 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781
Phone: 202 720-1627
Fax: 202 690-3444
Email: dmacdowe@urdev.usda.gov
RIN: 0575-AC26

Department of Agriculture (USDA)
Rural Housing Service (RHS)
Long-Term Actions**303. ENVIRONMENTAL PROGRAM****Priority:** Other Significant**CFR Citation:** 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400; 7 CFR 1940**Timetable:**

Action	Date	FR Cite
NPRM	09/14/00	65 FR 55784
NPRM Comment Period End	11/13/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Susan Wieferich
Phone: 202 720-9647**RIN:** 0575-AB98**304. NATIONAL FLOOD INSURANCE REGULATIONS****Priority:** Other Significant**CFR Citation:** 7 CFR 1926, subpart B; 7 CFR 1806, subpart B**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Baxter Hill
Phone: 202 720-1499**RIN:** 0575-AC07
Department of Agriculture (USDA)
Rural Housing Service (RHS)
Completed Actions**305. DENYING CREDIT TO APPLICANTS DELINQUENT ON ANY FEDERAL DEBT****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1942 subpart C; 7 CFR 1944 subpart E; 7 CFR 1948 subpart B; 7 CFR 1951, subpart E; 7 CFR 1942, subpart A; 7 CFR 1942,

subpart G; 7 CFR 1944, subpart D; 7 CFR 1980, subpart E

Completed:

Reason	Date	FR Cite
Withdrawn	08/13/01	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Local, Tribal, Federal**Agency Contact:** Chris Burgess

Phone: 314 539-2360

Fax: 314 539-2780

Email: cb167@rdmail.rural.usda.gov

RIN: 0575-AA66**BILLING CODE** 3410-07-S
Department of Agriculture (USDA)
Federal Crop Insurance Corporation (FCIC)
Proposed Rule Stage**306. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART D; APPLICATION FOR CROP INSURANCE****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

Abstract: The Federal Crop Insurance Corporation amends the General Administrative Regulations by revising the "Collection of Information and Data (Privacy Act)" statement found on the general crop insurance application. The proposed amendments to the statement include defining "substantial beneficial interest" as those persons whose interest in the policyholder is in excess of 10 percent. Other minor changes have been made to more fully comply with provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB00**307. GENERAL ADMINISTRATIVE REGULATIONS; MOVEMENT OF BUSINESS AMONG INSURANCE PROVIDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

Abstract: To ensure that the interests of policyholders are protected and that the policies and policyholder data are transferred in an orderly manner, the Risk Management Agency is providing comprehensive regulations that will apply to agents, managing general agents, policy-issuing companies, and

reinsured companies. The objective of this regulation is to prescribe uniform administrative requirements for the movement or assumption of crop insurance policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Heyward Baker, Director, Reinsurance Services Division, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Washington, DC 20250-0804
Phone: 202 720-4286

RIN: 0563-AB71**308. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(m); 7 USC 1506(p)

USDA—FCIC

Proposed Rule Stage

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: To add a new section to the Sanction regulation that will specify the conditions under which a person and affiliate may qualify for a waiver or reduction of a civil penalty imposed by the Agency.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Heyward Baker, Director, Reinsurance Services Division, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Washington, DC 20250-0804
Phone: 202 720-4286

RIN: 0563-AB73

309. COMMON CROP INSURANCE REGULATIONS; BLUEBERRY CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to solicit public comments on FCIC's proposed action to convert the blueberry pilot insurance program to a permanent insurance program. The pilot was initiated for the 1995 crop year for selected counties in Michigan, Mississippi, New Jersey, and North Carolina and covered highbush and rabbiteye blueberry varieties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB76

310. COMMON CROP INSURANCE REGULATIONS; NURSERY CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this proposed rule is to solicit public comments on FCIC's proposed action to revise the Nursery Crop Provisions (99-073) for the 2002 crop year to: Specify that container grown and field grown plants are separate crops, provide optional units by location for field grown nursery plant, incorporate the "lower of" rule into section 6 of the provisions, permit insureds to purchase insurance coverage on a year-round basis, incorporate provisions to provide a rehabilitation payment for plants damaged by an insured cause of loss.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB80

311. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY

Priority: Other Significant

Legal Authority: 7 USC 1506 (l); 7 USC 1506 (p)

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: To revise actual production history regulations to reflect changes in calculation of approved APH yields as mandated by the Agricultural Risk Protection Act of 2000. Revisions will include: Assigned yields for crops produced on land not farmed before (added land), rotations to crops not previously produced (new crops), and for prevented planting acreage if planted to a substitute crop;

adjustments for successful pest control efforts and for organic crops destroyed to maintain organic certification; and substitution of 60 percent of the transitional yield for low actual yields if producers elect that option.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB83

312. COMMON CROP INSURANCE REGULATIONS; BASIC PROVISIONS AND GENERAL ADMINISTRATIVE REGULATIONS, SUBPART T, REGULATIONS FOR IMPLEMENTATION

Priority: Other Significant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 400; 7 CFR 457.8

Legal Deadline: Final, Statutory, October 18, 2000.

Abstract: The purpose of these rules is to propose changes to the Common Crop Insurance Regulations, Basic Provisions and the General Administrative Regulations, Subpart T—Insurance Implementation, mandated by the Agricultural Risk Protection Act of 2000. The changes will be proposed to be effective beginning with the 2002 crop year for all crops with a contract change date on or after June 30, 2001. The major changes to the Common Crop Insurance Regulations, Basic Provisions are: 1) Limit indemnities and premiums when more than one crop is planted on acreage within the same crop year; 2) if an initial crop is prevented from being planted and a substitute crop is planted on the acreage within the same crop year, allow reduced prevented planting coverage for the initial crop, and the initial crop's Actual Production History (APH) will be reduced to 60 percent of the producer's APH; and 3) add scientifically sound sustainable

USDA—FCIC

Proposed Rule Stage

and organic farming practices as good farming practices.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch,

Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB85

Department of Agriculture (USDA)

Final Rule Stage

Federal Crop Insurance Corporation (FCIC)

313. COMMON CROP INSURANCE REGULATIONS; SMALL GRAINS CROP INSURANCE PROVISIONS AND WHEAT WINTER COVERAGE ENDORSEMENT

Priority: Other Significant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 457.101; 7 CFR 457.102

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation proposes to revise and clarify existing policy provisions, establish winter wheat coverage in certain South Dakota and Wisconsin counties, reduce coverage under Option B of the Wheat Winter Coverage Endorsement, and to require insurance on spring wheat planted to replace damaged winter wheat covered under the Wheat Winter Coverage Endorsement.

Timetable:

Action	Date	FR Cite
NPRM	04/20/00	65 FR 21144
NPRM Comment Period End	06/19/00	
Final Rule	01/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB63

314. GENERAL ADMINISTRATIVE REGULATIONS; NONSTANDARD UNDERWRITING CLASSIFICATION SYSTEM

Priority: Other Significant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: Nonstandard Underwriting Classification System (NCS): NCS was criticized by producers and their representatives for several years and became a major issue with the repetitive floods in the upper Midwest and multi-year droughts in the Southwest. Complaints included claims that the NCS procedures: 1) Did not adequately exclude widespread causes of loss (disaster adjustment); 2) failed to recognize diverse conditions within a county; 3) unfairly hit new or struggling producers caught by repetitive disasters; and 4) set too high a premium for those producers listed. Additionally, administration of the NCS process was complicated, sometimes subjective, and labor intensive.

The Advanced Notice of Proposed Rulemaking that was published in the Federal Register in September 1997 sought comments from the public on options to improve NCS. Twenty-two comments were received in response to the advanced notice. RMA decided to replace NCS with a process that charged appropriate rates for those producers with adverse loss experience and less than average production histories.

RMA examined increasing premium rates based on producers' lower APH yields and using a surcharge based on use of the yield floor (or some other identifiable indicator of adverse experience) to determine if these measures would adequately address the need to increase premiums for those producers with the most adverse loss

histories based on the frequency and severity of losses. After reviewing past NCS experience on the existing book of business, it was determined that appropriate rate increases for those producers whose APH yields were less than average would compensate entirely for the elimination of NCS.

RMA implemented the following actions to accomplish the goal of replacing NCS beginning with the 1999 crop year:

— Removed and reserved the current NCS regulation (7 CFR part 400, subpart O) by publishing a proposed rule in the Federal Register. The final rule is pending clearance, however the Agency proceeded with the process and has waived NCS since 1999.

— Developed and implemented appropriate rate adjustments to offset the removal of NCS.

Timetable:

Action	Date	FR Cite
ANPRM	09/17/97	62 FR 48798
ANPRM Comment Period End	10/17/97	
NPRM	09/02/98	63 FR 46703
NPRM Comment Period End	10/19/98	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB66

315. GENERAL ADMINISTRATIVE REGULATIONS; PREMIUM REDUCTIONS; PAYMENTS OF REBATES, DIVIDENDS, AND PATRONAGE REFUNDS; AND PAYMENTS TO INSURED-OWNED AND RECORD-CONTROLLING ENTITIES

Priority: Other Significant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p); 7 USC 1508(e)(3)

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: To allow approved insurance providers to apply to the Federal Crop Insurance Corporation for authority to reduce the premium charged producers in accordance with section 508(e)(3) of the Federal Crop Insurance Act, as amended, and to provide the limitations and requirements applicable to the payment of rebates, dividends, and patronage refunds to insureds and payments to insured-owned and record-controlling entities.

Timetable:

Action	Date	FR Cite
NPRM	05/12/99	64 FR 25464
NPRM Comment Period End	07/12/99	
Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Heyward Baker, Director, Reinsurance Services Division, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Washington, DC 20250-0804
Phone: 202 720-4286

RIN: 0563-AB70

316. COMMON CROP INSURANCE REGULATIONS; MILLET CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to solicit public comments on FCIC's proposed action to convert the millet pilot crop insurance program to a permanent insurance program and clarify existing crop provisions and

methodology for calculated losses for the 2001 and succeeding crop years. FCIC believes this proposed rule will provide additional coverage benefits and improve the risk management tool for millet producers in all regions of the country.

Timetable:

Action	Date	FR Cite
NPRM	06/19/00	65 FR 37919
NPRM Comment Period End	08/18/00	
Final Rule	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB79

317. CATASTROPHIC RISK PROTECTION ENDORSEMENT; GROUP RISK PLAN OF INSURANCE REGULATIONS; BASIC PROVISIONS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 1506(l), 1506(p)

CFR Citation: 7 CFR 402; 7 CFR 407; 7 CFR 457

Legal Deadline: Final, Statutory, June 30, 2000.

Abstract: The Federal Crop Insurance Corporation (FCIC) amends the Catastrophic Risk Protection Endorsement (7 CFR part 402), the Group Risk Plan of Insurance Regulations (7 CFR part 407), and the Common Crop Insurance Regulations, Basic Provisions (7 CFR part 457) to revise those provisions affected by the changes in the administrative fees and subsidies and the substitution of yields in the producer's actual production history mandated by the Agricultural Risk Protection Act of 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	06/28/00	65 FR 40483
Interim Final Rule	06/30/00	65 FR 40483
Interim Final Rule Comment Period End	08/29/00	
Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743

RIN: 0563-AB81

318. GENERAL ADMINISTRATIVE REGULATIONS; SUBMISSION OF POLICIES AND PROVISIONS OF POLICIES AND RATES OF PREMIUMS

Priority: Other Significant

Legal Authority: 7 USC 1506(l); 7 USC 1506(p)

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: Minor revisions will be made to the regulation for clarification and other revisions will be made as specified: Remove the need to publish policies from 508(h) submissions as a Notice of Availability in the Federal Register; information will be made available electronically to producers and approved insurance providers; confidential information may be withheld from the public under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information even after approval by the Board; there will be an expert review of submissions; the applicant will be notified in writing at least 30 days prior to the Board disapproving a submission, if the Board intends to disapprove the submission; a submission will be deemed approved by the Board if the Board fails to make a determination within a prescribed time period; applicants will be reimbursed for research and developmental costs and maintenance costs; and companies selling the product will pay fees to the developer of the product after the fourth year of the applicant being paid maintenance costs unless maintenance for the product is transferred to FCIC.

Timetable:

Action	Date	FR Cite
NPRM	07/16/01	66 FR 36951
NPRM Comment Period End	08/15/01	
Interim Final Rule	01/00/02	

USDA—FCIC

Final Rule Stage

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None
Agency Contact: Timothy Hoffmann,
 Director, Product Development Branch,
 Department of Agriculture, Federal

Crop Insurance Corporation, 6501
 Beacon Drive, Kansas City, MO 64133
 Phone: 816 926-7743
RIN: 0563-AB84

Department of Agriculture (USDA)
Federal Crop Insurance Corporation (FCIC)

Completed Actions

319. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART S; REGULATIONS FOR INSURANCE COVERAGE BY WRITTEN AGREEMENT

Priority: Other Significant

CFR Citation: 7 CFR 400

Completed:

Reason	Date	FR Cite
Withdrawn	09/07/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
 Phone: 816 926-7743

RIN: 0563-AB07

320. COMMON CROP INSURANCE REGULATIONS; COARSE GRAINS CROP INSURANCE PROVISIONS

Priority: Other Significant

CFR Citation: 7 CFR 457.113

Completed:

Reason	Date	FR Cite
Withdrawn	06/12/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
 Phone: 816 926-7743

RIN: 0563-AB64

321. GENERAL ADMINISTRATIVE REGULATIONS; CIVIL RIGHTS DATA COLLECTION

Priority: Other Significant

CFR Citation: 7 CFR 400

Completed:

Reason	Date	FR Cite
Withdrawn	09/07/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William Buchanan
 Phone: 202 690-6068

RIN: 0563-AB78

BILLING CODE 3410-08-S

Department of Agriculture (USDA)
Grain Inspection, Packers and Stockyards Administration (GIPSA)

Proposed Rule Stage

322. REVIEW INSPECTION REQUIREMENTS

Priority: Other Significant

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800.125; 7 CFR 800.135; 7 CFR 800.87

Legal Deadline: None

Abstract: The Agency is proposing to revise regulations under the U.S. Grain Standards Act to allow interested persons to stipulate the quality factors that would be redetermined during a reinspection or appeal inspection for grade. Currently reinspections and appeal inspections for grade must include a review for all factors that (1) may determine the grade; (2) are reported on the original certificate; or (3) are required to be shown. The Agency has determined that mandating all quality factors be reexamined during a review inspection is inefficient, time consuming, and costly. Further, such a complete review of the preceding inspection service is usually not needed to confirm the true quality of the grain. This proposed action will

allow interested parties to specify which official factors should be redetermined during the reinspection or appeal inspection service. However, to safeguard against inadvertent misgrading, official personnel may determine other factors, when deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades,
 Regulatory Liaison, Department of
 Agriculture, Grain Inspection, Packers
 and Stockyards Administration, Room
 1647-S, 1400 Independence Avenue
 SW, Washington, DC 20250
 Phone: 202 720-1738
 Fax: 202 690-2755
 Email: svassili@gipsadc.usda.gov

RIN: 0580-AA58

323. PACKER RECORDKEEPING REQUIREMENTS

Priority: Other Significant

Legal Authority: 7 USC 181 et seq

CFR Citation: 9 CFR 201

Legal Deadline: None

Abstract: GIPSA proposes adding a regulation to specify recordkeeping requirements for packers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon L. Vassiliades,
 Regulatory Liaison, Department of
 Agriculture, Grain Inspection, Packers
 and Stockyards Administration, Room
 1647-S, 1400 Independence Avenue
 SW, Washington, DC 20250
 Phone: 202 720-1738
 Fax: 202 690-2755

USDA—GIPSA

Proposed Rule Stage

Email: svassili@gipsadc.usda.gov

RIN: 0580-AA72

324. • EXCEPTIONS TO GEOGRAPHIC AREAS FOR OFFICIAL AGENCIES UNDER THE USGSA**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.81; 7 CFR 800.99; 7 CFR 800.116-.118; 7 CFR 800.185; 7 CFR 800.196**Legal Deadline:** None

Abstract: The Agency is proposing to revise regulations under the U.S. Grain Standards Act to reflect the amendment made by the Grain Standards and Warehouse Improvements Act of 2000 that provides an exception under which the Secretary may determine that more than one official agency can provide inspection services in a specified geographic area.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Sharon L. Vassiliades, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room

1647-S, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1738

Fax: 202 690-2755

Email: svassili@gipsadc.usda.gov

RIN: 0580-AA76

325. • PROHIBITION ON DISGUISED GRAIN QUALITY**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.61**Legal Deadline:** None

Abstract: The Agency proposes to revise regulations under the U.S. Grain Standards Act to prohibit the disguising of grain quality by adding various substances during post-harvest marketing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sharon L. Vassiliades, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 1647-S, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1738
Fax: 202 690-2755

Email: svassili@gipsadc.usda.gov

RIN: 0580-AA77

326. • LABORATORY ACCREDITATION PROGRAM**Priority:** Other Significant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800**Legal Deadline:** None

Abstract: The Agency is proposing to issue regulations under the U.S. Grain Standards Act to establish an accreditation program to meet market demand for consistency in laboratories that test for quality characteristics of grain to facilitate grain marketing.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sharon L. Vassiliades, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 1647-S, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA78

Department of Agriculture (USDA)

Final Rule Stage

Grain Inspection, Packers and Stockyards Administration (GIPSA)

327. TOLERANCES FOR DIVIDERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71 et seq**CFR Citation:** 7 CFR 801.10**Legal Deadline:** None

Abstract: GIPSA proposes to remove section 801.10, Tolerance for Dividers, from the CFR. Since GIPSA no longer tests dividers, the rule is no longer needed. By using the direct final rule process, GIPSA will give the public general notice of its intent to remove the rule and provide interested persons an opportunity to participate in the rulemaking through submission of comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sharon L. Vassiliades, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 1647-S, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA57

328. SWINE PACKER MARKETING CONTRACTS**Priority:** Other Significant**Legal Authority:** 7 USC 181; PL 106-78**CFR Citation:** 9 CFR 206**Legal Deadline:** None

Abstract: The Agency is issuing rules under the Packers and Stockyards Act to implement the Swine Packer Marketing Contracts subtitle of the Livestock Mandatory Reporting Act of 1999. The Agency will establish a swine contract library and publish contract provisions on its web site.

USDA—GIPSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53653
NPRM Comment Period End	10/05/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis
Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades,
Regulatory Liaison, Department of
Agriculture, Grain Inspection, Packersand Stockyards Administration, Room
1647-S, 1400 Independence Avenue
SW, Washington, DC 20250
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA71

Department of Agriculture (USDA)

Long-Term Actions

Grain Inspection, Packers and Stockyards Administration (GIPSA)

329. POULTRY GROWER CONTRACTS

Priority: Other Significant

CFR Citation: 9 CFR 201.100

Timetable:

Action	Date	FR Cite
ANPRM	02/10/97	62 FR 5935
ANPRM Comment Period End	05/12/97	
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA51

330. LIVESTOCK PURCHASE OR
SALE: PROHIBIT NON-REPORTING OF
PRICE

Priority: Other Significant

CFR Citation: 9 CFR 201.54

Timetable:

Action	Date	FR Cite
ANPRM	09/10/98	63 FR 48450
ANPRM Comment Period End	12/09/98	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA65

331. HOW CAN USDA BEST
FACILITATE THE MARKETING OF
GRAINS, OILSEEDS, FRUITS,
VEGETABLES, AND NUTS IN
TODAY'S MARKETPLACE

Priority: Other Significant

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
ANPRM	11/30/00	65 FR 71272
ANPRM Comment Period End	02/28/01	
ANPRM Comment Period End	04/16/01	66 FR 13267
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA73

Department of Agriculture (USDA)

Completed Actions

Grain Inspection, Packers and Stockyards Administration (GIPSA)

332. FEES FOR COMMODITY AND
RICE INSPECTION SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 868.90; 7 CFR
868.91

Completed:

Reason	Date	FR Cite
Final Action	04/04/01	66 FR 17775
Final Action Effective	05/04/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades

Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA74

333. FEES FOR OFFICIAL
INSPECTION AND OFFICIAL
WEIGHING SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 800.71

Completed:

Reason	Date	FR Cite
NPRM	04/04/01	66 FR 17817

Reason	Date	FR Cite
Final Action	07/31/01	66 FR 35751
Final Action Effective	08/08/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sharon L. Vassiliades
Phone: 202 720-1738
Fax: 202 690-2755
Email: svassili@gipsadc.usda.gov

RIN: 0580-AA75

BILLING CODE 3410-EN-S

**Department of Agriculture (USDA)
Food and Nutrition Service (FNS)**

Proposed Rule Stage

334. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): MISCELLANEOUS PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This proposed rule responds to a variety of program concerns, most of which have been expressed by WIC State agencies. The proposal increases State agency flexibility regarding the sharing of participant information with other programs and streamlines Federal requirements for financial and participation reporting by State agencies. Several minor clarifications and technical corrections are also made. (89-515)

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
NPRM Comment Period End	04/00/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AB10

335. FOOD STAMP PROGRAM MATCHING PROGRAMS AND PRIVACY PROTECTIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 552(a) Computer Matching and Privacy Protection Act; 7 USC 2015(b) Food Stamp Act

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

Abstract: This proposed rule describes requirements for State agencies to report information on individuals disqualified from the program for intentional program violations to FNS

and the related FNS computer matching program known as the Disqualified Recipient Subsystem (DRS).

This proposed rule also describes protections to persons whose benefits could be adversely affected by computer matches used in the Food Stamp Program. Such protections must include independent verification of computer information, notification to the affected individual, and provision of an opportunity to respond to the information before an adverse action becomes effective. (89-010)

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	
NPRM Comment Period End	05/00/02	
Final Action	01/00/03	
Final Action Effective	04/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AB51

336. FSP: CIVIL RIGHTS DATA COLLECTIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 88-352, sec 601

CFR Citation: 7 CFR 272

Legal Deadline: None

Abstract: Title VI of the Civil Rights Act of 1964 requires the collection of racial/ethnic data for all programs utilizing Federal funds. State agencies are required to collect the data by racial/ethnic categories set by the Federal Government. In 1997, those categories changed. This proposed rule would change the racial categories for State Food Stamp Program reporting to comply with the new Federal racial categories. (98-010)

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	
NPRM Comment Period End	04/00/02	

Action	Date	FR Cite
Final Action	10/00/02	
Final Action Effective	12/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC75

337. COMMODITY SUPPLEMENTAL FOOD PROGRAM: PLAIN LANGUAGE, PROGRAM ACCOUNTABILITY, AND PROGRAM FLEXIBILITY

Priority: Other Significant

Legal Authority: PL 101-624; PL 104-127

CFR Citation: 7 CFR 247

Legal Deadline: None

Abstract: This rule will rewrite regulations pertaining to the Commodity Supplemental Food Program (7 CFR part 247) in "plain language." It will also amend regulatory provisions in this part to increase program accountability and flexibility for program operators. The rule will affect program accountability by: (1) Requiring State agencies to initiate a claim against participants for repayment of the value of program benefits obtained as a result of intentional misrepresentation; (2) extending the period that State agencies may disqualify participants for program violations for up to 1 year; (3) requiring State agencies to disqualify participants for engaging in dual participation or for other selected program violations; (4) including under program violations the physical abuse, or the threat of physical abuse, of program staff.

Amendments to increase program flexibility include: (1) Allowing the State to extend the certification of elderly persons on a fixed income for an indefinite period without a formal review of eligibility; (2) increasing the period of time the State agency has to review a local agency's application for participation; (3) allowing State agencies to request to retain more than

USDA—FNS

Proposed Rule Stage

the maximum amount of administrative funds allocated whether or not they perform warehouse services; (4) reducing the frequency of State management evaluations of local agencies; and (5) making State plans and Federal-State agreements permanent, with amendments submitted as needed.

Other miscellaneous proposed changes include: (1) Requiring local agencies to notify applicants of a decision on their application within 10 days of the date of application; (2) including the specific factors that FNS uses to determine the amount of caseload that States will receive in addition to base caseload; (3) making the caseload cycle the period from January 1 to December 31; and (4) including a pregnant woman's embryo or fetus in utero as a household member in determining the family's income eligibility.

The rule will also incorporate legislative provisions that have been implemented through program policy, including: (1) Increasing the percentage of the program appropriation, and of funds carried over from the previous year, to be allotted for administrative support of State and local agencies from 15 to 20 percent; and (2) requiring that State and local agencies provide information on certain other public assistance programs to participants. (99-005)

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC84

338. FOOD STAMP PROGRAM: ADMINISTRATIVE COST REIMBURSEMENT

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: PL 105-185, sec 502

CFR Citation: 7 CFR 277

Legal Deadline: Final, Statutory, October 1, 1998, Payment reduction required by law.

Abstract: This rule will allow State agencies to charge the FSP for its share of common costs for determining eligibility of Temporary Assistance for Needy Families (TANF) households for FSP in accordance with new HHS policy and approved cost allocation plans. (99-007)

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	
NPRM Comment Period End	05/00/02	
Final Action	11/00/02	
Final Action Effective	03/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Federalism: Undetermined

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC86

339. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): REVISIONS IN THE WIC FOOD PACKAGES

Regulatory Plan: This entry is Seq. No. 5 in part II of this issue of the **Federal Register**.

RIN: 0584-AC90

340. IMPROVING ACCESS TO THE FOOD STAMP PROGRAM FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

Priority: Other Significant

Legal Authority: 42 USC 2000d

CFR Citation: 7 CFR 272.4(b)

Legal Deadline: None

Abstract: On August 11, 2000, the President signed an Executive order requiring Federal agencies to examine the services they provide and to develop and implement a system that ensures persons with limited English proficiency (LEP) have meaningful access to Federal health and human services programs and activities. The Executive order clarifies long-standing title VI principles that prohibit discrimination based on national origin. (00-016)

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	
NPRM Comment Period End	05/00/02	
Final Action	03/00/03	
Final Action Effective	06/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: State, Local

Federalism: Undetermined

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD06

341. ● FOOD STAMP PROGRAM: VEHICLE AND MAXIMUM EXCESS SHELTER EXPENSE DEDUCTION PROVISIONS OF PUBLIC LAW 106-387

Regulatory Plan: This entry is Seq. No. 6 in part II of this issue of the **Federal Register**.

RIN: 0584-AD13

USDA—FNS

Proposed Rule Stage

342. • CHILD AND ADULT CARE FOOD PROGRAM (CACFP): AT-RISK AFTERSCHOOL SUPPERS

Priority: Substantive, Nonsignificant
Legal Authority: PL 106-224, sec 243(i)
CFR Citation: 7 CFR 226
Legal Deadline: None

Abstract: This proposed rule would revise the Child and Adult Care Food Program (CACFP) regulations to allow reimbursement of suppers provided by at-risk afterschool care programs in six States, as authorized by the Agricultural Risk Protection Act (Pub. L. 106-224). At-risk suppers in these

States (Delaware, Pennsylvania, Michigan, Missouri, New York, and Oregon) are reimbursed under the same conditions set forth in the National School Lunch Act (NSLA) for at-risk snacks in the CACFP. Children who are 18 or younger and enrolled in qualifying afterschool programs located in the six States may receive free suppers. To qualify, afterschool care programs must be located in low-income areas, provide care to children, and have an educational or enrichment purpose. (01-007)

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD15

**Department of Agriculture (USDA)
 Food and Nutrition Service (FNS)**

Final Rule Stage

343. WIC: REQUIREMENTS FOR AND EVALUATION OF WIC PROGRAM REQUESTS FOR BIDS FOR INFANT FORMULA REBATE CONTRACTS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: At the time the current cost containment regulations were published in 1989, there were only minor differences in infant formula wholesale prices and few differences in types of infant formulas offered by manufacturers; i.e., milk- and soy-based infant formula. However, current wholesale prices vary considerably among manufacturers for similar formulas and several new infant formulas have emerged on the market over the last decade. Therefore, to reflect market changes in the infant formula industry and to optimize competition in the WIC Program's infant formula rebate contracts, this interim rule would require WIC State agencies to award infant formula rebate contracts based on the lowest net price, allowing highest gross rebate as a basis of award only when retail prices of the different brands of infant formula vary, on average, by 5 percent or less. Additionally, this rule would define the types and forms of infant formula that must be included in cost containment systems. It would also expand on conditions that must be met for the

issuance of infant formulas not covered by rebate contracts. (92-013)

Timetable:

Action	Date	FR Cite
NPRM	07/16/98	63 FR 38343
NPRM Comment Period End	09/14/98	
Interim Final Rule Effective	08/23/00	65 FR 51213
Interim Final Rule Implementation Date	10/23/00	
Interim Final Rule Comment Period End	11/21/00	
Interim Final Rule Comment Period End	08/23/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AB52

344. FOOD STAMP PROGRAM: ANTICIPATING INCOME AND REPORTING CHANGES

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

Abstract: This rule revises Food Stamp Program procedures for reporting and acting on changes in earned income. The changes are designed to increase State agency flexibility and improve procedures for determining the eligibility and benefits of households whose income fluctuates unpredictably. Under this rule, State agencies would choose from four different reporting requirements for households with earned income. The reporting requirement a State agency selects would replace the current requirement that households report a change of more than \$25 in earned income. In addition to reporting a change in source of income, households would be required to report one of the following: A change in wage rate or salary and a change in part-time or full-time status, provided the household is certified for no more than 3 months; a change in wage rate or salary and a change of more than 5 hours a week that is expected to continue for more than a month; or a change in the amount earned of more than \$100 a month. The reporting requirement for changes in unearned income would be increased to changes of more than \$50 a month from the current threshold of

USDA—FNS

Final Rule Stage

changes of more than \$25 a month. In addition to the above reporting options, State agencies would also be able to select the option of requiring households to report changes through a quarterly reporting system rather than at the time the changes become known to the household. (93-005)

Timetable:

Action	Date	FR Cite
NPRM	12/17/96	61 FR 66233
NPRM Comment Period End	02/18/97	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AB57

345. CHILD AND ADULT CARE FOOD PROGRAM: IMPROVING MANAGEMENT AND PROGRAM INTEGRITY

Regulatory Plan: This entry is Seq. No. 7 in part II of this issue of the **Federal Register**.

RIN: 0584-AC24

346. DETERMINING ELIGIBILITY FOR FREE AND REDUCED-PRICE MEALS AND FREE MILK IN SCHOOLS: PROVISION 2 AND PROVISION 3

Priority: Other Significant

Legal Authority: PL 103-448

CFR Citation: 7 CFR 245

Legal Deadline: None

Abstract: Under an alternative known as Provision 2, schools that serve all meals at no charge for 3 consecutive years may distribute applications and make free and reduced price meal eligibility determinations once every 3 years. During year 1 of the 3-year cycle, they count and claim meals by category (free, reduced price, and paid) and use these counts to develop claiming percentages to use during years 2 and 3. Public Law 103-448 amended the NSLA to allow schools to extend these

procedures an additional 2 years and allow subsequent 5-year cycles, without making new free and reduced price eligibility determinations, provided the income level of the school's population remained stable. Public Law 103-448 also added a new Provision 3 for schools that serve all meals at no charge for 4 consecutive years. These schools receive the same level of cash and commodity assistance they received in the last year free and reduced price eligibility determinations and actual meal counts were taken. Additional 4-year cycles were permitted, without making new free and reduced price eligibility determinations, provided the income level of the school's population remained stable. For both provisions, schools must make up the difference between Federal reimbursement and meal costs. Public Law 105-336 subsequently amended the timeframe for Provision 2 so that both Provisions 2 and 3 are 4-year cycles, which may be extended, without making new eligibility determinations, if the income level of the school's population remains stable. The rule will codify these provisions and specify technical aspects, such as the measurement of the income level of the school's population and the types of data that may be used. (96-003)

Timetable:

Action	Date	FR Cite
NPRM	02/07/00	65 FR 5791
NPRM Comment Period End	04/07/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC25

347. FOOD STAMP PROGRAM REGULATORY REVIEW: FSP STANDARDS FOR APPROVAL AND OPERATION OF FOOD STAMP ELECTRONIC BENEFIT TRANSFER SYSTEMS

Priority: Other Significant

Legal Authority: 7 USC 2011 TO 2034

CFR Citation: 7 CFR 274.12

Legal Deadline: None

Abstract: This rule proposes revisions to food stamp regulations affecting the standards and administration of EBT systems for food stamp issuance. Current regulations at 7 CFR 274.12 delineate the standards that EBT systems must meet in order to be approved for operation. This rule will revise those regulations to provide the State agency more flexibility in implementing and operating those systems. Clarifications and FNS settlement improvements will also be incorporated into the rule. (96-016)

Timetable:

Action	Date	FR Cite
NPRM	07/12/01	66 FR 36495
NPRM Comment Period End	09/10/01	
Final Action	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC37

348. FOOD STAMP PROGRAM: WORK PROVISIONS OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 AND THE FOOD STAMP PROVISIONS OF THE BALANCED BUDGET ACT OF 1997

Regulatory Plan: This entry is Seq. No. 8 in part II of this issue of the **Federal Register**.

RIN: 0584-AC45

USDA—FNS

Final Rule Stage

349. WIC FARMERS MARKET NUTRITION PROGRAM (FMNP): EXPANSION FUNDS ALLOCATION FORMULA**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1786(m)(6)**CFR Citation:** 7 CFR 248**Legal Deadline:** None

Abstract: The Child Nutrition Act of 1966 as amended (42 U.S.C. 1786(m)(6)) sets forth funding requirements of State agencies currently operating the program and for State agencies wishing to start a new program. The law leaves it to the discretion of the Secretary to determine the method of allocating funds to currently operating State agencies. This interim rule would implement a funding formula for the allocation of such expansion funds to existing FMNP State agencies. (98-003)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	
Interim Final Rule Comment Period End	03/00/02	
Interim Final Rule Effective	04/00/02	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC68**350. CHILD NUTRITION PROGRAMS: REIMBURSEMENT FOR SNACKS IN AFTERSCHOOL CARE PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 105-336**CFR Citation:** 7 CFR 210; 7 CFR 226; 7 CFR 235; 7 CFR 245**Legal Deadline:** None

Abstract: The William F. Goodling Child Nutrition Reauthorization Act of

1998 amended the National School Lunch Act to authorize reimbursement for snacks served under the NSLP in afterschool care programs operated by schools. The afterschool program must be organized primarily to provide care for children and have an educational or enrichment purpose. Additionally, the statute mandates free snacks for all children enrolled in afterschool care programs operated by schools in areas served by a school in which at least 50 percent of the enrolled children are certified for free or reduced price meals.

In the CACFP, the statute authorizes free snacks to children through age 18 enrolled in afterschool programs located in low-income areas. Low-income areas are defined in the law as areas in which at least 50 percent of the children are eligible for free or reduced price school meals. Therefore, individual eligibility determinations are not required for these programs. This rule also implements the provision of the law which permits outside school hours care programs to participate in CACFP if they meet health and safety standards where no State or local licensing or approval is required. (98-007)

Timetable:

Action	Date	FR Cite
NPRM	10/11/00	65 FR 6050
NPRM Comment Period End	01/09/01	
Final Action	02/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC72**351. FOOD DISTRIBUTION PROGRAM: DELETION OF REQUIREMENT TO EVALUATE STATE-RUN COMMODITY DISTRIBUTION AND WAREHOUSING SYSTEMS EVERY 3 YEARS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 100-237**CFR Citation:** 7 CFR 250.14; 7 CFR 250.15**Legal Deadline:** None

Abstract: Section 250.14(a) currently requires State distributing agencies that operate their own warehousing and distribution system to make a cost comparison of that system with a commercial system every 3 years. Most State distributing agencies have now either switched to a commercial system or evaluated their own system at least twice and determined it to be the most cost effective. Therefore, we propose to remove that requirement from our regulations. We will maintain the authority to require a cost comparison when circumstances warrant. We are suggesting a direct final rule rather than a proposed rule because we do not expect any objections to this discretionary change. (99-001)

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC79**352. FSP: ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEMS INTEROPERABILITY AND PORTABILITY****Priority:** Other Significant**Legal Authority:** PL 106-171**CFR Citation:** 7 CFR 272.1; 7 CFR 274.12

Legal Deadline: Other, Statutory, September 7, 2000, PL 106-171, sec 3. Other, Statutory, February 11, 2001, PL 106-171, sec 4. Other, Statutory, October 1, 2002, PL 106-171, sec 3.

Abstract: This rule revises Food Stamp regulations to ensure that recipients can use their electronic food stamp benefits across State borders by requiring interoperable State electronic issuance

USDA—FNS

Final Rule Stage

systems. The regulations establish uniform national standards to achieve this requirement. Also, 100 percent funding is available under the regulation to pay for the operational cost of this functionality up to a national limit of \$500,000. Costs beyond this level will be covered at the standard 50 percent program reimbursement rate for State administrative costs. (00-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/15/00	65 FR 49719
Interim Final Rule Effective	09/19/00	
Interim Final Rule Comment Period End	11/13/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC91

353. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY

Priority: Other Significant

Legal Authority: PL 106-224, sec 243

CFR Citation: 7 CFR 226

Legal Deadline: Final, Statutory, October 20, 2000.

Abstract: This interim rule incorporates changes to the Child and Adult Care Food Program as required by the Agricultural Risk Protection Act (Pub. L. 106-224) to strengthen the management and integrity of the program. Provisions include 1) changes to eligibility requirements for participating institutions; 2) conditions for approval, such as ensuring financial viability, stipulating that new sponsoring organizations are allowed to participate only where there is need for the program, and the elimination of "moving toward tax exempt status" of institutions; 3) new program monitoring

requirements; 4) new parental notification requirements by CACFP centers or homes that describe the program and benefits and provide parents with access to the sponsoring organization and State agency; 5) rules on allowing corrective action and appeals in situations involving the termination or suspension of participating institutions, facilities, and individuals; 6) funds recovery in situations involving fraud, abuse, or improper submissions for reimbursement; and 7) limitation on the percentage of funds that sponsoring organizations of centers can retain from day care meal reimbursements for their administrative expenses. These changes support the Department's ongoing efforts in management and integrity improvement. (00-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC94

354. SPECIAL NUTRITION PROGRAMS: DISCLOSURE OF CHILDREN'S ELIGIBILITY INFORMATION UNDER THE CHILD NUTRITION PROGRAMS

Priority: Other Significant

Legal Authority: PL 106-224, sec 242; PL 103-448, sec 108

CFR Citation: 7 CFR 215; 7 CFR 225; 7 CFR 226; 7 CFR 245

Legal Deadline: Final, Statutory, October 20, 2000.

Abstract: This rule establishes requirements for the disclosure of children's free and reduced price meal and free milk eligibility information by agencies that makes the free and reduced price meal or free milk determination under the National School Lunch Program, the School

Breakfast Program, the Special Milk Program, the Child and Adult Care Food Program, and the Summer Food Service Program. The rule responds to amendments to the Richard B. Russell National School Lunch Act, which allow limited disclosure of children's free and reduced price meal or free milk eligibility information, Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994; and Public Law 106-224, the Agricultural Risk Protection Act of 2000; comments received on the July 25, 2000, proposed rule on "Disclosure of Children's Eligibility Information" (65 FR 45725 issued under RIN 0584-AC21) and comments received on the January 11, 2001, interim rule on "Disclosure of Children's Eligibility Information to State Medicaid and the State Children's Health Insurance" (66 FR 2195 issued under RIN 0584-AC95). This rule incorporates the proposed rule and interim rule into one final rule. Therefore, RIN 0584-AC21 is withdrawn, and the final provisions will be issued under RIN 0584-AC95. The final rule will adopt or modify as necessary many of the provisions mandated by the statute and required by the interim rule. Many of these same provisions were presented as recommendations in the proposed rule. The objective is to provide consistency in procedures when determining agencies opt to disclose children's eligibility information and to provide some protection against unauthorized disclosures and misuse of personal information, regardless of whether the disclosure is to Medicaid or SCHIP or to an education or other program. (00-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	
Interim Final Rule	01/11/01	66 FR 2195
Interim Final Rule Comment Period End	04/11/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition

USDA—FNS

Final Rule Stage

Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov

RIN: 0584—AC95

355. SPECIAL MILK PROGRAM FOR CHILDREN: PLAIN LANGUAGE REVISION AND REORGANIZATION

Priority: Info./Admin./Other

Legal Authority: 42 USC 1772; 42 USC 1779

CFR Citation: 7 CFR 215

Legal Deadline: None

Abstract: The intent of this regulation is to comply with the President's memorandum of June 1, 1998, entitled "Plain Language in Government Writing" (63 FR 31885, June 10, 1998). This memorandum encourages all existing Agency regulations to be rewritten in plain language. The revision and reorganization of part 215 will allow affected persons to easily understand the regulations of the Special Milk Program for Children. This revision and reorganization does not alter the existing policies and requirements contained within this part. (00-007)

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov

RIN: 0584—AC97

356. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 250, DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 7 USC 612c; 7 USC 612c note; 7 USC 1431; 7 USC 1431b; 7 USC 1431e; 7 USC 1431 note; 7 USC 1446a-1; 7 USC 1859; 7 USC 2014; 7 USC 2025; 15 USC 713c; 22 USC 1922; 42 USC 1751; 42 USC 1755; 42 USC 1758; 42 USC 1760; 42 USC 1761; 42 USC 1762a; 42 USC 1766; 42 USC 3030a; 42 USC 5179; 42 USC 5180

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: This rule makes no changes in the meaning of the regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and two-fold: Allow the reader to quickly find and easily understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have "flattened" the regulation's structure. This in turn generally allows the elimination of at least one level of codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (00-008)

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov

RIN: 0584—AC98

357. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 251, THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

Priority: Info./Admin./Other

Legal Authority: 7 USC 7501 to 7516

CFR Citation: 7 CFR 251

Legal Deadline: None

Abstract: This rule makes no changes in the meaning of the regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and two-fold: Allow the reader to quickly find and easily understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have "flattened" the regulation's structure. This in turn generally allows the elimination of at least one level of codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (00-009)

USDA—FNS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AC99

358. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 252, THE NATIONAL COMMODITY PROCESSING PROGRAM (NCP)

Priority: Info./Admin./Other**Legal Authority:** 7 USC 1431**CFR Citation:** 7 CFR 252**Legal Deadline:** None

Abstract: This rule makes no changes in the meaning of the regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and two-fold: Allow the reader to quickly find and easily understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have “flattened” the regulation’s structure. This in turn generally allows the elimination of at least one level of codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our

second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (00-010)

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD00

359. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 253, THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR)

Priority: Info./Admin./Other**Legal Authority:** 7 USC 2011 to 2036**CFR Citation:** 7 CFR 253**Legal Deadline:** None

Abstract: This rule makes no changes in the meaning of the regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and twofold: Allow the reader to quickly find and easily understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have “flattened” the regulation’s structure. This in turn generally allows the elimination of at least one level of codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further

aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (00-011)

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD01

360. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 254, THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR) IN OKLAHOMA

Priority: Info./Admin./Other**Legal Authority:** PL 97-98, sec. 1338; PL 95-113**CFR Citation:** 7 CFR 254**Legal Deadline:** None

Abstract: This rule makes no changes in the meaning of the regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and twofold: Allow the reader to quickly find and easily understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have “flattened” the regulation’s

USDA—FNS

Final Rule Stage

structure. This in turn generally allows the elimination of at least one level of codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (00-012)

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD02

361. IMPLEMENTATION OF POULTRY SUBSTITUTION PILOT AS PERMANENT AND MODIFICATION OF COMMODITY RECORDKEEPING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 612c; 7 USC 612c note; 7 USC 1431; 7 USC 1431b; 7 USC 1431e; 7 USC 1431 note; 7 USC 1446a-1; 7 USC 1859; 7 USC 2014; 7 USC 2025; 15 USC 713c; 22 USC 1922; 42 USC 1751; 42 USC 1755; 42 USC 1758; 42 USC 1760 to

1761; 42 USC 1762a; 42 USC 1766; 42 USC 3030a; 42 USC 5179 to 5180

CFR Citation: 7 CFR 250.14; 7 CFR 250.16; 7 CFR 250.30

Legal Deadline: None

Abstract: 1) Poultry and fruit and vegetables may currently be substituted for commodities under pilots and waivers. Due to the success of these programs, the regulations will be changed to allow such commercial substitution on a permanent basis. 2) Due to changes in the commercial market and the food donation program, the Department will allow vendors to use their own labels in place of USDA donated labels for school programs. This will complicate school's recordkeeping and inventory procedures. The regulations will be modified to accommodate the change in labels. (01-001)

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD08

362. • SPECIAL NUTRITION PROGRAMS: UNIFORM FEDERAL ASSISTANCE REGULATIONS; NONDISCRETIONARY TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 503, 111 and 7501; PL 98-502; PL 104-156

CFR Citation: 7 CFR 210, 215, 220, 225, and 235

Legal Deadline: None

Abstract: This final rule makes a number of technical changes to the regulations governing the National School Lunch Program, the Special Milk Program for Children, the School Breakfast Program, the Child and Adult Care Food Program, the Summer Food Service Program, and State Administrative Expense Funds. The United States Department of Agriculture (USDA) is revising its grants management regulations in order to bring the entitlement programs it administers under the same regulations that already apply to nonentitlement programs and to identify exceptions to these general rules that apply only to entitlement programs. (01-008)

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD16

**Department of Agriculture (USDA)
Food and Nutrition Service (FNS)**

Long-Term Actions

363. STATE ADMINISTRATIVE EXPENSE FUNDS: PLAIN LANGUAGE REWRITE

Priority: Info./Admin./Other

CFR Citation: 7 CFR 235

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman
Phone: 703 305-2246
Fax: 703 605-0220

USDA—FNS

Long-Term Actions

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC96

364. NUTRITION EDUCATION AND TRAINING PROGRAM: 7 CFR PART 227, PLAIN LANGUAGE REWRITE

Priority: Info./Admin./Other

CFR Citation: 7 CFR 227

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD03

365. STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS, 7 CFR 276

Priority: Info./Admin./Other

CFR Citation: 7 CFR 276

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Agency Contact: Sharon Ackerman

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD04

366. PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES, 7 CFR 277

Priority: Info./Admin./Other

CFR Citation: 7 CFR 277

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Agency Contact: Sharon Ackerman

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD05

367. • SCHOOL BREAKFAST PROGRAM: PLAIN LANGUAGE REVISION AND REORGANIZATION (7 CFR 220)

Priority: Info./Admin./Other

Legal Authority: 7 USC 2011 to 2036

CFR Citation: 7 CFR 220

Legal Deadline: None

Abstract: 7 CFR 220 has been rewritten in plain language format. The document contains only plain language writing and format changes. No policy has been changed, added, or deleted by this rewrite. (01-003)

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD10

368. • WIC: PLAIN LANGUAGE REWRITE OF 7 CFR PART 248, FARMERS' MARKET NUTRITION PROGRAM

Priority: Info./Admin./Other

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 248

Legal Deadline: None

Abstract: This rule makes no changes in the meaning of the regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and two-fold: Allow the reader to quickly find and easily understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical

sequence where needed and, most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have "flattened" the regulation's structure. This in turn generally allows the elimination of at least one level of codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (01-004)

Timetable:

Action	Date	FR Cite
Direct Final Rule	10/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 910, 3101 Park Center Drive, Alexandria, VA 22302

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD11

369. • FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATION: RESOURCE LIMITS AND EXCLUSIONS, EXTENDED CERTIFICATION PERIODS, AND TRANSITIONAL BENEFITS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 253; 7 CFR 254

Legal Deadline: None

Abstract: This proposed rule would amend FDPIR regulations to: 1) Increase the standard FDPIR resource limit from \$1750 to \$2000 per household

USDA—FNS

Long-Term Actions

(households that include a member or members age 60 or over shall continue to have a resource limit of \$3000); 2) allow a resource exclusion for the first \$1500 of the value of one pre-paid funeral arrangement per household member (in instances where the total value of the agreement is not already excluded because it is funded under a life insurance policy or an inaccessible trust fund; 3) allow households in which all members are elderly or disabled to be certified for up to 24 months, provided that the State agency contacts the household at least once

every 12 months; and 4) allow States the option to provide transitional FDPIR benefits (for 3 months), at a minimum, to households with earnings that leave the Temporary Assistance Program for Needy Families (TANF). All of the above provisions conform to Food Stamp Program policy and will ensure consistent treatment between the two programs. (01-005)

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Tribal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD12

**Department of Agriculture (USDA)
Food and Nutrition Service (FNS)**

Completed Actions

370. DISCLOSURE OF FREE AND REDUCED-PRICE ELIGIBILITY INFORMATION UNDER THE SCHOOL NUTRITION, SUMMER FOOD SERVICE, AND CHILD AND ADULT CARE FOOD PROGRAMS

Priority: Other Significant

CFR Citation: 7 CFR 215; 7 CFR 225; 7 CFR 226; 7 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn-- Incorporated into RIN 0584-AC95	01/11/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC21

371. NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS: IDENTIFICATION OF BLENDED BEEF, PORK, POULTRY, OR SEAFOOD PRODUCTS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 210; 7 CFR 220

Completed:

Reason	Date	FR Cite
Final Action	07/24/01	66 FR 38349
Final Action Effective	08/24/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Sharon Ackerman
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC92
BILLING CODE 3410-30-S

**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)**

Prerule Stage

372. POULTRY INSPECTION: REVISION OF FINISHED PRODUCT STANDARDS WITH RESPECT TO INGESTA

Regulatory Plan: This entry is Seq. No. 9 in part II of this issue of the Federal Register.

RIN: 0583-AC77

**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)**

Proposed Rule Stage

373. GRANT AND INAUGURATION OF INSPECTION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 304; 9 CFR 305

Legal Deadline: None

Abstract: FSIS is proposing to clarify the regulations in 9 CFR parts 304 and 305, which provide for grant and inauguration of inspection in meat and poultry establishments to address

USDA—FSIS

Proposed Rule Stage

issues raised by the Office of Inspector General and others.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC07

374. PERFORMANCE STANDARDS FOR BACON

Regulatory Plan: This entry is Seq. No. 10 in part II of this issue of the **Federal Register**.

RIN: 0583-AC49

375. REFORM OF REGULATIONS ON IMPORTED MEAT AND POULTRY PRODUCTS

Priority: Other Significant

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: As part of its continuing regulatory reform effort, FSIS is proposing to consolidate and streamline the regulations governing the importation of livestock and poultry products to make them consistent with the regulatory approach the Agency has taken in its Pathogen Reduction/Hazard Analysis and Critical Control Points (PR/HACCP) regulations and related rulemakings. FSIS is proposing to eliminate obsolete provisions and, where appropriate, to replace command-and-control provisions with performance standards. The Agency is proposing to require establishments where import inspection is conducted to have documented process controls that parallel in some respects the HACCP and other documented systems that establishments where inspection of domestic products is conducted must have.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC56

376. EGG AND EGG PRODUCTS INSPECTION REGULATIONS

Regulatory Plan: This entry is Seq. No. 11 in part II of this issue of the **Federal Register**.

RIN: 0583-AC58

377. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 to 470; 21 USC 601 to 695

CFR Citation: 9 CFR 317; 9 CFR 327; 9 CFR 381; 9 CFR 412

Legal Deadline: None

Abstract: This rulemaking will continue an effort initiated several years ago by amending FSIS's regulations to expand the types of labeling that are generically approved. FSIS plans to propose that the submission of labeling for approval prior to use be limited to certain types of labeling, as specified in the regulations. In addition, FSIS plans to reorganize and amend the regulations by consolidating labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart A, and part 381, subpart N, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC59

378. PATHOGEN REDUCTION; HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP) SYSTEMS; ADDITIONS TO GENERIC E. COLI CRITERIA

Regulatory Plan: This entry is Seq. No. 12 in part II of this issue of the **Federal Register**.

RIN: 0583-AC63

379. ELIMINATION OF REQUIREMENTS FOR TOTAL QUALITY CONTROL SYSTEMS

Priority: Other Significant

Legal Authority: 7 USC 394 et seq; 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the meat and poultry inspection regulations by removing all requirements relating to total quality control (TQC) systems. A TQC system is a comprehensive, planned documented system of activities intended to ensure the stability of processes and the uniformity of products throughout a manufacturing plant. The proposal would remove the design requirements for TQC systems and the requirements for FSIS prior approval, or approval before implementation, of such systems. The proposal also would amend the regulations governing the operating schedules of official establishments to remove the provisions concerning establishments with approved TQC systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of

USDA—FSIS

Proposed Rule Stage

Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC68

380. PETITIONS FOR RULEMAKING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553

CFR Citation: 9 CFR 392

Legal Deadline: None

Abstract: FSIS is proposing to amend its regulations to add a new part that prescribes procedures for the submission, consideration, and disposition of petitions for rulemaking. The proposal also describes the Agency's expectations for the type of documentation that must be submitted in support of a petition and that will facilitate regulatory development. FSIS is proposing this action to provide clear guidance to those who would like to participate in the rulemaking process by petitioning FSIS to issue, amend, or repeal a rule administered by the Agency.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC81

381. CLASSES OF POULTRY UPDATING POULTRY CLASS STANDARDS

Priority: Other Significant

Legal Authority: 21 USC 451

CFR Citation: 9 CFR 381.170(a)

Legal Deadline: None

Abstract: FSIS is proposing to amend the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of age and sex of the bird. Genetic improvements and new poultry management techniques have reduced the grow-out period for some poultry classes while extensive cross breeding has produced poultry with higher meat yields but blurred breed distinctions. This action is being taken to ensure that poultry products are labeled in a truthful and non-misleading manner.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 205-0279

RIN: 0583-AC83

382. • ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 13 in part II of this issue of the **Federal Register**.

RIN: 0583-AC87

383. • EMERGENCY REGULATIONS TO PREVENT MEAT FOOD AND MEAT PRODUCTS THAT MAY CONTAIN THE BSE AGENT FROM ENTERING COMMERCE

Regulatory Plan: This entry is Seq. No. 14 in part II of this issue of the **Federal Register**.

RIN: 0583-AC88

384. • INCREASES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICES—FISCAL YEAR (FY) 2002

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq

CFR Citation: 9 CFR 391.2

Legal Deadline: None

Abstract: The Food Safety and Inspection Service is proposing to increase the fees it charges meat and poultry establishments, egg products plants, importers, and exporters for providing voluntary inspection services, overtime and holiday inspection services, identification services, certification services, and laboratory services. These proposed fee increases reflect the national and locality pay raise for Federal employees and inflationary costs. FSIS is proposing to make the fee increases effective as soon as possible. At this time, FSIS is not proposing to change the fee it charges for the accredited Laboratory Program. The Agency is also proposing to add part 592 to title 9 of the CFR to raise fees for the voluntary inspection of egg products.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 52548
NPRM Comment Period End	11/15/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC89

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

385. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations by removing a meat yield requirement for the standardized products "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce." Current regulations for these products require that the product contain not less than 50 percent of the species identified on the label and that the weight of the cooked pork or beef not exceed 70 percent of the uncooked weight of the meat. The first requirement is consistent with other meat and sauce requirements, but the second requirement is not. The petitioner asserts that the product standard (promulgated in 1952) does not reflect current production practices or the commercial marketability of beef or pork with barbecue sauce. The petitioner further states that producers of these products are at a competitive disadvantage with other meat and sauce producers, because other meat and sauce producers do not have a 70 percent yield requirement. For example, producers of the standardized products "Beef with Gravy," "Meat Pies," and "Spaghetti with Meat and Sauce" and similar standardized products do not have any meat yield requirements.

FSIS has determined that the petitioner's request should be granted. This action would permit fair competition between meat and barbecue sauce producers, and poultry and sauce producers, and would provide consistent requirements in both the meat and poultry inspection regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/03/97	62 FR 46450
NPRM Comment Period End	11/03/97	
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
 Phone: 202 720-5627

RIN: 0583-AC09

386. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND RECOVERY SYSTEMS

Regulatory Plan: This entry is Seq. No. 15 in part II of this issue of the **Federal Register**.

RIN: 0583-AC51

387. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 602 et seq; 21 USC 451 et seq; 21 USC 321 et seq

CFR Citation: 9 CFR 318.7; 9 CFR 381.147

Legal Deadline: None

Abstract: This final rule will amend the meat and poultry inspection regulations by completing earlier efforts to incorporate current listings in 9 CFR into 21 CFR.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
 Phone: 202 205-0279

RIN: 0583-AC69

388. PERFORMANCE STANDARDS FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES

Regulatory Plan: This entry is Seq. No. 16 in part II of this issue of the **Federal Register**.

RIN: 0583-AC73

389. SHARING RECALL DISTRIBUTION LISTS WITH STATE AND OTHER FEDERAL GOVERNMENT AGENCIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552; 7 CFR 1.3; 7 CFR 2.7

CFR Citation: 9 CFR 390

Legal Deadline: None

Abstract: FSIS will add regulations concerning sharing distribution lists with State and other Federal Government agencies during a food recall.

Timetable:

Action	Date	FR Cite
NPRM	09/19/00	65 FR 56503
NPRM Comment Period End	11/20/00	
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
 Phone: 202 720-5627

RIN: 0583-AC75

390. AGENCY ORGANIZATION

Priority: Info./Admin./Other

Legal Authority: 21 USC 451 to 470; 21 USC 601 to 695; 21 USC 1031 to 1056

CFR Citation: 9 CFR 300; 9 CFR 301; 9 CFR 306; 9 CFR 320; 9 CFR 381; 9 CFR 590

Legal Deadline: None

Abstract: This rulemaking will amend FSIS's regulations adopted under the FMA, PPIA, and EPIA by updating and consolidating organizational provisions.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives

USDA—FSIS

Final Rule Stage

Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC78

391. LABELING OF NATURAL OR REGENERATED COLLAGEN SAUSAGE CASINGS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 to 695; 7 USC 138f; 7 USC 450; 21 USC 451 to 470

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: FSIS is requiring that the source of natural sausage casings be disclosed on the product label if they are derived from a different type of meat or poultry than the meat or poultry in the enclosed sausage. Establishments producing, manufacturing, or using natural sausage casings or sausages encased in natural casings are also required to maintain records documenting the source of the casings. FSIS is requiring that the labels of sausage products encased in regenerated collagen casings disclose the use of the regenerated collagen casing. However, FSIS is not requiring that records on the source of the regenerated collagen casings be kept.

Timetable:

Action	Date	FR Cite
NPRM	07/17/97	62 FR 38220
NPRM Comment Period End	09/15/97	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of

Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-5627

RIN: 0583-AC80

392. FOOD STANDARDS: REQUIREMENTS FOR SUBSTANTIVE STANDARDIZED MEAT AND POULTRY PRODUCTS NAMED BY USE OF AN EXPRESSED NUTRIENT CONTENT CLAIM AND A STANDARDIZED TERM

Priority: Other Significant

Legal Authority: 21 USC 601; 21 USC 451

CFR Citation: 9 CFR 381.172; 9 CFR 319.10

Legal Deadline: None

Abstract: FSIS is amending the Federal meat and poultry inspection regulations to establish a general definition and standard of identity for standardized meat and poultry products that have been modified to qualify for use of an expressed nutrient content claim in their product names. These products will be identified by an expressed nutrient content claim, such as "fat free," "low fat," and "light," in conjunction with an appropriate standardized term. FSIS is taking this action to 1) assist consumers to maintain healthy dietary practices by providing for modified versions of standardized meat and poultry products that have reductions of certain constituents that are of health concern to some people, 2) increase regulatory flexibility and support product innovation and, 3) provide consumers with an informative nutrition labeling system.

Timetable:

Action	Date	FR Cite
NPRM	12/29/95	60 FR 67474
NPRM Comment Period End	02/27/96	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 205-0279

RIN: 0583-AC82

393. MANDATORY INSPECTION OF RATITES AND SQUABS

Priority: Other Significant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 361; 9 CFR 381

Legal Deadline: None

Abstract: FSIS is amending the regulations to include ratites and squabs under mandatory poultry inspection.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	04/26/01	
Interim Final Rule	05/01/01	66 FR 21631
Interim Final Rule Comment Period End	07/02/01	
Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Arshad Hussain, Staff Director, Inspection and Enforcement Standards Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250
Phone: 202 720-3219

RIN: 0583-AC84

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Long-Term Actions

394. TRANSPORTATION, STORAGE, AND OTHER HANDLING OF POTENTIALLY HAZARDOUS FOODS

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 9 CFR 308; 9 CFR 317; 9 CFR 325; 9 CFR 381

Timetable:

Action	Date	FR Cite
ANPRM	11/22/96	61 FR 59372
ANPRM Comment Period End	02/20/97	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Daniel L. Engeljohn

USDA—FSIS

Long-Term Actions

Phone: 202 720-5627

RIN: 0583-AC05

395. ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 9 CFR 309; 9 CFR 310; 9 CFR 381**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Daniel L. Engeljohn
Phone: 202 720-5627

RIN: 0583-AC43

396. REQUIREMENTS FOR DISPOSITION AND DISPOSAL OF INSPECTED RAW MEAT AND POULTRY PRODUCTS**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 9 CFR 311; 9 CFR 314; 9 CFR 320; 9 CFR 325; 9 CFR 381; 9 CFR 428; 9 CFR 455**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Daniel L. Engeljohn
Phone: 202 720-5627

RIN: 0583-AC44

397. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS**Priority:** Economically Significant**CFR Citation:** 9 CFR 317; 9 CFR 381; 9 CFR 430**Timetable:**

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End	05/29/01	
NPRM Extended Comment Period	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Daniel L. Engeljohn
Phone: 202 720-5627

RIN: 0583-AC46

398. REWORKING OF MEAT AND POULTRY CARCASSES ACCIDENTALLY CONTAMINATED DURING EVisCERATION**Priority:** Other Significant**CFR Citation:** 9 CFR 310; 9 CFR 381; 9 CFR 433**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Daniel L. Engeljohn
Phone: 202 720-5627

RIN: 0583-AC53

399. NUTRITION LABELING OF GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS AND SINGLE-INGREDIENT PRODUCTS**Priority:** Other Significant**CFR Citation:** 9 CFR 317; 9 CFR 381**Timetable:**

Action	Date	FR Cite
NPRM	01/18/01	66 FR 4970
NPRM Comment Period End	04/18/01	
NPRM Comment Period End	07/17/01	

Action	Date	FR Cite
Extension of Comment Period	07/20/01	66 FR 20213
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Robert Post
Phone: 202 205-0279

RIN: 0583-AC60

400. FOOD LABELING; NUTRIENT CONTENT CLAIMS, DEFINITION OF THE TERM HEALTHY**Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 317; 9 CFR 381**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/99	64 FR 72490
Interim Final Rule Comment Period End	01/27/00	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Robert Post
Phone: 202 205-0279

RIN: 0583-AC65

401. FOOD STANDARDS; GUIDING PRINCIPLES AND STANDARDS MODERNIZATION**Priority:** Other Significant**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** Robert Post
Phone: 202 205-0279

RIN: 0583-AC72

Department of Agriculture (USDA)

Completed Actions

Food Safety and Inspection Service (FSIS)

402. PERFORMANCE STANDARD FOR THE CHILLING OR OTHER PROCESSING OF LIVESTOCK CARCASSES AND READY-TO-COOK POULTRY

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	07/30/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Daniel L. Engeljohn

Phone: 202 720-5627

RIN: 0583-AC21

403. OTHER CONSUMER PROTECTION ACTIVITIES

Priority: Other Significant

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	07/26/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Daniel L. Engeljohn

Phone: 202 720-5627

RIN: 0583-AC64

404. TERMINOLOGY

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 301; 9 CFR 311; 9 CFR 327; 9 CFR 381; 9 CFR 590

Completed:

Reason	Date	FR Cite
Withdrawn	07/26/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn

Phone: 202 720-5627

RIN: 0583-AC79

405. • PRODUCT LABELING: DEFINING UNITED STATES CATTLE AND UNITED STATES FRESH BEEF PRODUCTS

Priority: Other Significant

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317 and 327

Legal Deadline: None

Abstract: FSIS is seeking comments on the need to clarify the definition of "U.S. Cattle" and "U.S. fresh beef products" for labeling purposes. The secretary, USDA, has been directed to promulgate regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	08/07/01	66 FR 41160

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250

Phone: 202 720-5627

RIN: 0583-AC85

406. • ELIMINATION OF REQUIREMENTS FOR PARTIAL QUALITY CONTROL PROGRAMS; CERTIFICATION OF SCALES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 to 470; 21 USC 601 to 695

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: FSIS is amending sections 317.21(d) and 381.121d of the Federal meat and poultry inspection regulations to permit FSIS-inspected establishments to have, in lieu of certification by State or local agencies or State-licensed repair firms or persons, alternative documented procedures for showing that the scales meet the requirements of National Institute of Standards and Technology (NIST) Handbook 44. The alternative documented procedures could be a partial quality control (PQC) program for net weight (for which FSIS no longer has approval or design requirements), a total quality control (TQC) system provision, or other procedures showing the establishment's scales meet NIST Handbook 44 requirements. FSIS has determined that the regulatory provisions in question are unduly restrictive and should include an option for the establishments to have alternative documented procedures showing that scales meet NIST Handbook 44 requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/18/00	65 FR 56262
NPRM Comment Period End	10/03/00	
Final Action	10/16/01	66 FR 52484
Final Action Effective	11/15/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250

Phone: 202 720-5627

RIN: 0583-AC86

BILLING CODE 3410-DM-S

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

407. • PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO PROMOTE U.S. AGRICULTURAL EXPORTS TO EMERGING MARKETS (EMERGING MARKETS PROGRAM)
Priority: Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None

Abstract: This rule proposes to establish regulations applicable to the Emerging Marketing Program, currently authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 and amended by the Federal Agriculture Improvement and Reform Act of 1996. The Emerging Markets Program currently operates under agency guidelines. The proposed rule

would amend and codify the existing guidelines. Codification of the guidelines should not change program administration noticeably. Because the program is already in operation under agency guidelines, this proposal would have no significant impact on the U.S. economy.

The proposed rule will provide specific regulations concerning program administration. Significant provisions include definition of emerging market and country eligibility, program objectives and priorities, eligible organizations, qualification requirements, application and review processes, decisions and appeals, reimbursement rules and procedures, reporting requirements, evaluations, and program controls.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: None

Agency Contact: Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov

RIN: 0551-AA62
Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)

Final Rule Stage

408. • PROGRAM TO ASSIST U.S. PRODUCERS IN DEVELOPING DOMESTIC MARKETS FOR VALUE-ADDED WHEAT GLUTEN AND WHEAT STARCH PRODUCTS
Priority: Other Significant**Legal Authority:** 15 USC 714c**CFR Citation:** 7 CFR 1482**Legal Deadline:** None

Abstract: The rule provides for a 2-year program to assist U.S. wheat gluten producers in fully adjusting to import competition by transitioning the industry from production of basic bulk commodities to production of value-added commodities where the market potential is more viable. U.S. producers of wheat gluten, who meet the eligibility requirements of the rule and submit the required market development plans, will receive an annual lump sum payment by CCC to conduct specific program activities aimed at facilitating the transition to value-added wheat gluten products for sale in the domestic market.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/01	66 FR 30801
Interim Final Rule Comment Period End	07/09/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov

RIN: 0551-AA60
409. • FREEDOM OF INFORMATION ACT (FOIA) REGULATIONS FOR THE FOREIGN AGRICULTURAL SERVICE
Priority: Info./Admin./Other**Legal Authority:** 5 USC 552**CFR Citation:** 7 CFR 1**Legal Deadline:** None

Abstract: This final rule is issued in accordance with the regulations of the Secretary of Agriculture, 7 CFR part 1—Administrative Regulations, subpart A—Official Records, 1.3, Agency Implementing Regulations, for the Freedom of Information Act (5 U.S.C. 552).

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov

RIN: 0551-AA61

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Long-Term Actions
410. CCC SUPPLIER CREDIT GUARANTEE PROGRAM

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 7 CFR 1493

Timetable:

Action	Date	FR Cite
NPRM	07/19/95	60 FR 37025
NPRM Comment Period End	09/18/95	
Interim Final Rule	07/01/96	61 FR 33825
Interim Final Rule Effective	08/30/96	
Interim Final Rule Comment Period End	12/30/96	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kimberly Chisley
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov

Tamoria Thompson
 Phone: 202 690-1690
 Email: thompson@fas.usda.gov

RIN: 0551-AA30

411. FACILITY GUARANTEE PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 17; 7 CFR 1493

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/93	58 FR 11786
Interim Final Rule Comment Period End	06/01/93	

Action	Date	FR Cite
Interim Final Rule	08/08/97	62 FR 42651
Interim Final Rule Comment Period End	10/07/97	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kimberly Chisley
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov

Tamoria Thompson
 Phone: 202 690-1690
 Email: thompson@fas.usda.gov

RIN: 0551-AA35

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Completed Actions
412. EXPORT SALES REPORTING REQUIREMENT

Priority: Other Significant

CFR Citation: 7 CFR 20

Completed:

Reason	Date	FR Cite
Final Action	07/25/01	66 FR 38526

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Agency Contact: Kimberly Chisley
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov

Tamoria Thompson
 Phone: 202 690-1690
 Email: thompson@fas.usda.gov

RIN: 0551-AA51
BILLING CODE 3410-10-S

Department of Agriculture (USDA)
Forest Service (FS)
Proposed Rule Stage
413. HYDROPOWER APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The Forest Service is revising its current policy and procedures, implemented in February 1987, concerning administration of hydropower authorizations and the processing of proposals for hydropower projects affecting National Forest System lands. These revisions are necessary to make Agency policy and procedures consistent with regulatory changes by the Federal Energy Regulatory Commission (FERC). The proposed policy was published in the

Federal Register on May 22, 1995 (60 FR 27153), for a 60-day public comment period, which was extended for another 45 days (60 FR 36401). As a result of the comments received, substantial changes were made to the proposed policy (60 FR 36401). Therefore, the Forest Service is publishing a revised proposed policy for public comment.

Timetable:

Action	Date	FR Cite
NPRM	05/22/95	60 FR 27153
NPRM Comment Period Extended	07/17/95	60 FR 36401
NPRM Comment Period End	09/05/95	
Second NPRM	04/00/02	

Action	Date	FR Cite
Second NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
 Phone: 703 605-4533
 Fax: 703 605-5111
 Email: mconnolly@fs.fed.us

RIN: 0596-AA47

USDA—FS

Proposed Rule Stage

414. SMALL TRACTS ACT REGULATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 521(c) to 521(i)**CFR Citation:** 36 CFR 254**Legal Deadline:** None

Abstract: Implementation of the Agency's Small Tracts regulations (adopted in 1984) has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
NPRM Comment Period End	03/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AA79**415. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 620 et seq**CFR Citation:** 36 CFR 223.200**Legal Deadline:** None

Abstract: This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of

section 620a(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.). Section 620a(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in section (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary determines, through rulemaking, to be surplus to domestic manufacturing needs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	
NPRM Comment Period End	05/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB27**416. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; EXTENSION OF TIMBER SALE CONTRACTS TO PERMIT URGENT REMOVAL OF OTHER TIMBER****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a; 16 USC 618; 16 USC 620**CFR Citation:** 36 CFR 223.50; 36 CFR 223.53**Legal Deadline:** None

Abstract: This rule and policy change will provide for extension of National Forest System (NFS) timber sale contracts when such extension will permit the prompt removal and utilization of non-NFS timber damaged by catastrophic events. The change will

define the responsibilities of the parties for requesting and approving such extensions and specify when such extension should be approved. This change will also allow for the use of scarce timber resources and the recovery of economic benefits from timber that might otherwise be lost because of contractual obligations to harvest undamaged timber.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	
NPRM Comment Period End	05/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB48**417. LAW ENFORCEMENT SUPPORT ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1011(f); 16 USC 472; 16 USC 551; 16 USC 559(a) to 559(g); 40 USC 484(m)**CFR Citation:** 36 CFR 262**Legal Deadline:** None

Abstract: In February 1994, the Forest Service published proposed rule changes for parts 261 and 262 of title 36 of the Code of Federal Regulations. Due to the high level of interest in and comment on part 261, the decision was made to publish a second proposed rule. The majority of the public comment on part 262 referred to the definition section, which has been revised to respond to those comments. The Forest Service has decided to issue a second proposed rule for comment on part 262, Law Enforcement Support Activities. Proposed revisions to part 261 will proceed separately.

In addition, the proposed amendment to 36 CFR part 262, Law Enforcement Support Activities, would amend the rules that govern monetary rewards and payments for information leading to the arrest and conviction of people who harm natural resources or threaten employees. The proposed rule would

USDA—FS

Proposed Rule Stage

remove established rewards for damaging or stealing yew trees, the natural source of taxol, as taxol is now produced synthetically. The change also would clarify the procedures in subpart B for administrative impoundments and removals of livestock, dogs, and personal property.

Timetable:

Action	Date	FR Cite
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	05/00/02	
Second NPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB61

418. NONCOMPETITIVE SALE OF TIMBER

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472(a)

CFR Citation: 36 CFR 223.85

Legal Deadline: None

Abstract: This proposed rule would revise 36 CFR 223.85 by removing references to section 2001(k) of Public Law 104-19 (109 Stat. 246) and define "extraordinary conditions" to allow forest officers, without advertisement, to make modifications to timber and forest product sales, which result in the substitution of timber or forest products from outside the sale area specified in the contract. Under the proposed rule, substitute timber or forest products would have to come from the same administrative national forest and meet Agency requirements for compliance with the National Environmental Policy Act and other environmental laws. This proposed rule would not compel a timber purchaser to accept a timber sale modification offered under this rule. The rule only authorizes the Forest Service to propose modifications and to enter into discussions with purchasers on such modifications.

This proposed rule will reduce timber sale cancellations and partial cancellations, thus reducing future damage claims on timber sales.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	
NPRM Comment Period End	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB70

419. CLARIFICATION OF EXEMPTIONS FROM SPECIAL-USE AUTHORIZATIONS

Priority: Info./Admin./Other

Legal Authority: 16 USC 477 to 482; 16 USC 551; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.50(c)

Legal Deadline: None

Abstract: In April 1997, the Forest Service completed a reengineering study of its special uses program on how to manage the program in a more businesslike, customer-service-oriented way. The Agency proposes the following revisions to 36 CFR 251.50 that would implement recommendations from this study. The study determined that many units are issuing special use authorizations unnecessarily, thereby increasing workloads. The study concluded that the Agency should clarify the special uses rules at section 251.50(a) to make explicitly clear that special use authorizations should not be issued for activities that are regulated by other Forest Service regulations; for example, those governing the disposal of timber (part 223); minerals (part 228); the use of forest development roads and trails (part 212 and section 251.110); and the grazing of cattle (part 222). The study also concluded that section 251.50(d) should be revised to direct that special use authorizations should not be issued where such authorization would serve no land or resource management objective and would have nominal

effects on National Forest System lands; for example, where activities are adequately regulated by other governmental entities or where an authorized officer determines that normal operation and maintenance by the holder is within the scope of a right-of-way, easement, or other valid existing real property interest. Further, the rule at section 251.50(c) would be revised to clarify that, in emergency situations, a special use authorization should be sought at the earliest opportunity following the emergency to ensure that appropriate measures are carried out to protect National Forest System lands after the emergency situation no longer exists.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB74

420. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS

Priority: Other Significant

Legal Authority: 16 USC 620

CFR Citation: 36 CFR 223; 36 CFR 261

Legal Deadline: None

Abstract: The proposed rule for timber export and substitution restrictions would implement the Forest Resources Conservation and Shortage Relief Act of 1990, as amended. The proposed rule defines the certain terms necessary to facilitate uniform compliance; prohibits transfer of unprocessed private timber for export by a person who possesses or acquires unprocessed Federal timber; prohibits export of such unprocessed private timber by a third or successive party; prescribes procedures for reporting the acquisition and disposition of NFS and private

USDA—FS

Proposed Rule Stage

timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed National Forest Service and private timber requiring domestic processing; and establishes procedures for assessing civil and criminal penalties and applying administrative remedies for violations of the Act, its implementing regulations, and contracts subject to the Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
NPRM Comment Period End	04/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB75**421. USE OF FIXED ANCHORS IN WILDERNESS**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined**CFR Citation:** 36 CFR 261**Legal Deadline:** None

Abstract: The Forest Service is proposing to issue regulations on the use of climbing equipment in designated wilderness areas within the National Forest System (NFS). Prior to the adoption of the Wilderness Act, certain climbing equipment, including rock bolts, have been placed in rock faces by climbers. This practice has continued for several decades and is the focus of controversy among wilderness users. An increase in the popularity of bolt-intensive form of rock climbing in the early 1990s has fueled this controversy. Some wilderness advocates consider rock bolts and other anchors, left behind by climbers, as permanent improvements.

To address this issue on NFS lands, a negotiated rulemaking committee was convened in June 2000. After four 2-day meetings, the group failed to reach

consensus on several aspects of the issue; however, consensus was reached on other aspects. The Agency is moving forward with a proposal that utilizes the advice of the committee and the aspects that were agreed upon by the committee. The Agency intends to propose for public comment several alternatives to define and regulate permanent fixed anchors, including bolts. Resolving these issues through rulemaking is preferable to other dispute resolution alternatives, such as litigation or legislative amendment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB80**422. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 36 CFR 223**Legal Deadline:** None

Abstract: The Forest Service proposes to promulgate regulations for managing special forest products and forest botanical products. The regulations will guide the Forest Service in the administration of the broader category of special forest products. The proposed rule also implements Public Law 106-113, Pilot Program of Charges and Fees for Harvest of Forest Botanical Products, Appropriations Act H.R. 3423, section 339, Forest Botanical Products. Forest botanical products include products, such as herbs, berries, seeds, and wildflowers that are not wood products. The intended effect of this rule is to give guidance and consistency for the sustainability and

sale of special forest products and forest botanical products.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	
NPRM Comment Period End	04/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Federalism:** Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us
RIN: 0596-AB81

423. DETERMINING FAIR MARKET VALUE FOR RECREATION RESIDENCE USE AUTHORIZATIONS**Priority:** Info./Admin./Other**Legal Authority:** 16 USC 497; PL 106-291, title VI**CFR Citation:** None**Legal Deadline:** None

Abstract: The appropriations act for the Department of the Interior and related agencies for fiscal year 2001 (Pub.L. 106-291) contains provisions in title VI "Cabin User Fee Fairness Act of 2000" to ensure consistent and fair processes for appraising the fee simple value of recreation residence lots on National Forest System (NFS) lands. This act (1) establishes in law that the base annual fee for recreation residences is 5 percent of the market value of the lot; (2) changes the appraisal cycle period from 20 years to 10 years; and (3) requires the Secretary of Agriculture to (a) complete an inventory of utilities, access, and facilities serving each recreation residence tract or lot and document who paid for the installation of those improvements; (b) develop a new set of guidelines for conducting appraisals for recreation residences on NFS lands; (c) use a different annual indexing indicator; and (d) issue new Agency direction to implement the provisions of the Act within 2 years of its passage (10/11/2000). The Forest Service proposes to publish notice in the Federal Register of policy changes

USDA—FS

Proposed Rule Stage

to the Forest Service Manual (FSM 2723) and Handbooks (FSH 2709.11, sec. 33; and FSH 5409.12, ch. 6) that would make Agency direction consistent with the requirements in the Act for the base annual fee and appraisal cycle (described in the preceding items (1) and (2)) and to request public comment on those policy changes related to the inventory, guidelines for appraisals, and indexing indicator (described in the preceding items (3)(a) to (3)(d)). Comments will be considered in development of the final policy.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	
NPRM Comment Period End	04/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

Federalism: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB83**424. • INVENTORIED ROADLESS AREAS****Priority:** Other Significant**Legal Authority:** 16 USC 472; 16 USC 551; 16 USC 1604; 42 USC 4321**CFR Citation:** 36 CFR 219**Legal Deadline:** None

Abstract: The Forest Service is seeking public comment on the management of Inventoried Roadless Areas. These areas cover 58.5 million acres, or nearly one-third of the National Forest System. On January 12, 2001, USDA published a final rule prohibiting road construction, reconstruction, and timber harvesting in Inventoried Roadless Areas on National Forest System lands. On May 4, 2001, the Secretary of Agriculture stated her intent to implement the rule, with modifications to be proposed later. On May 10, 2001, the District Court of Idaho preliminarily enjoined implementation of the rule. There are seven additional lawsuits seeking to

overturn the rule. Continuing controversy over the rule, the process used to develop the rule, and the long-term protection of roadless values, as well as legal uncertainties, make it impractical to offer a proposed rule at this time. However, the Secretary wants public input on these issues. This advance notice of proposed rulemaking allows the Secretary to get comment without prejudicing the outcome of legal proceedings which, along with consideration of public comment and other input, will govern whether USDA will proceed to a proposed rule.

To stabilize the management situation while the roadless rule is being litigated, the Chief has issued interim directives to reserve the authority for approving timber harvest and road building in roadless areas. Notice of the interim directives was published in the Federal Register on August 22, 2001 (66 FR 44111) with a request for public comments for consideration in adopting final direction.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/01	66 FR 35918
ANPRM Comment Period End	09/10/01	
Interim Direction	08/22/01	66 FR 44111
Interim Direction Comment End	10/22/01	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB85**425. • NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING****Priority:** Other Significant**Legal Authority:** 16 USC et seq; 5 USC 301**CFR Citation:** 36 CFR 219, subpart A**Legal Deadline:** None

Abstract: The Forest Service is proposing to revise the November 9, 2000, land and resource management planning rule. This action responds to

serious concerns raised by employees and others about the Agency's ability to implement some provisions of the November 2000 rule. The Agency's ability to promptly implement the November 9, 2000, planning regulations has also been called into question through pending litigation. A coalition of environmental organizations (Citizens for Better Forestry et al., v. USFS (N.D. Calif.)) and a coalition of timber and grazing interests (American Forest & Paper Association et al., v. Veneman (D. D.C.)) have filed separate lawsuits challenging both the implementability and the legality of the new planning regulations on a variety of grounds. The Forest Service has been asked to resolve deficiencies in the November 2000 rule. In so doing, the Forest Service plans to ensure that issues or deficiencies that have evolved from over 2 decades of forest planning are also addressed. The goal is to develop a new rule that improves the planning process, decisionmaking, and legal defensibility of land and resource management plans. The goal of the Department is to have a revised planning rule in place by the end of the calendar year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	04/00/02	
Final Action Effective	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB86

USDA—FS

Proposed Rule Stage

426. • NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION FOR CERTAIN SMALL ADMINISTRATIVE TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS AND RESEARCH PROJECTS (FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: In 1999, as a result of a court action, the Forest Service lost the ability to use a categorical exclusion from National Environmental Policy Act (NEPA) documentation for small timber sales. This category was used extensively for small timber sales to remove hazard trees, treat insect and disease outbreaks, and provide related timber products for local communities. As a consequence, the responsible official must now prepare an environmental assessment (EA) on these small volume timber sales (under 250,000 board feet of green timber or 1 million board feet of salvage timber). This has resulted in a Service-wide increase in environmental analysis costs and delays in beginning and completing these small timber sale projects on the National Forests and Research Experimental Forests. This proposal would categorically exclude from documentation in an EA or environmental impact statement (EIS) certain types of small timber sales in the National Forests and Research Experimental Forests and would enable the Agency to accomplish in a more timely and efficient manner the treatment of small fire hazard areas, insect and disease outbreaks, and hazard tree removal. This new categorical exclusion would be added to the existing categories for categorical exclusions in chapter 30 of Forest Service Handbook (FSH) 1909.15, and by Council on Environmental Quality (CEQ) regulation, this proposal requires public notice and opportunity to comment. For convenience and cost savings, the final directive may be issued temporarily as an interim directive to chapter 30 of FSH 1909.15 but would be incorporated as an amendment as soon as there are sufficient other changes to the chapter to warrant revision of the entire chapter. Decisions using this new category may be subject to a 30-day public comment period and

administrative appeal under 36 CFR part 215

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	07/00/02	
Final Action Effective	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB88

427. • NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551; PL 102-381, sec 322 (Appeal Reform Act); 106 Stat 1419 (16 USC 1612 note)

CFR Citation: 36 CFR 215 (Revision)

Legal Deadline: None

Abstract: In 1992, the Appeal Reform Act mandated the Forest Service to develop appeal regulations for site-specific projects on National Forest System lands. The regulations were promulgated in 1994. Seven years of experience have shown there are certain provisions in the regulations that consistently give rise to questions by employees and the public and reduce efficient processing of administrative appeals. This proposed rule would revise the appeal regulations to bring better focus to public participation and to improve consistency in the application of this regulation, both of which would result in improved efficiency of the appeals process for the public and the Government.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
NPRM Comment Period End	04/00/02	

Action	Date	FR Cite
Final Action	07/00/02	
Final Action Effective	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB89

428. • REVISIONS TO ROAD MANAGEMENT POLICY (FOREST SERVICE MANUAL CHAPTER 7710)

Priority: Other Significant

Legal Authority: 16 USC 551; 23 USC 205

CFR Citation: 36 CFR 212

Legal Deadline: None

Abstract: On January 12, 2001 (66 FR 3205), the Forest Service adopted a new road management policy to improve the analysis and decisionmaking of the National Forest System road system. As part of a Governmentwide review of recently adopted rules and policies announced January 20, the Chief has conducted an internal review of the new road management policy. As a consequence, the Agency has identified several changes to be made to Forest Service Manual (FSM) chapter 7710. The first of these was to issue an interim directive (ID No. 7710-2001-1) to redelegate the authority for extending deadlines for completion of forest-scale analysis from the Chief to the Regional Foresters. Additionally, the ID granted all units an additional year to complete road inventories and analysis. This ID was effective May 31, 2001. The Agency followed with a notice in the Federal Register with a request for comment, which has not yet been published. The Agency also has determined that the interim requirements of the road management policy limiting road construction in roadless and contiguous unroaded areas are not relevant to the road management policy; rather, these requirements should be dealt with in the context of overall management of roadless areas. Moreover, field units

USDA—FS

Proposed Rule Stage

generally are finding it difficult to determine how to identify and map contiguous unroaded areas, and in some recent cases involving access to oil and gas and other minerals, the interim requirements are requiring EISs for minimal road construction or reconstruction along the edge of inventoried roadless areas and contiguous unroaded areas, with resultant delays in project decisions. The Agency is preparing a second ID to rescind these interim requirements.

Although the ID will be immediately effective, a notice with a request for comment will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	04/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB90

**Department of Agriculture (USDA)
Forest Service (FS)**

Final Rule Stage

**429. INDIAN ALLOTMENTS ON
NATIONAL FOREST SYSTEM LANDS**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254

Legal Deadline: None

Abstract: This rule sets forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Final Action	03/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111

Email: mconnolly@fs.fed.us

RIN: 0596-AA52

**430. DISPOSAL OF NATIONAL
FOREST TIMBER; CANCELLATION OF
TIMBER SALE CONTRACTS**

Priority: Other Significant

Legal Authority: 16 USC 472a; 16 USC 551; 16 USC 618

CFR Citation: 36 CFR 223.30; 36 CFR 223.40; 36 CFR 223.116

Legal Deadline: None

Abstract: Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental statutes. This rulemaking would remove an unworkable compensation-of-damages formula and establish a termination-for-environmental-protection clause in timber sale contracts, a standard in most Federal procurement contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	02/00/02	
Final Action Effective	03/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of

Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111

Email: mconnolly@fs.fed.us

RIN: 0596-AB21

**431. COLLECTION OF
REIMBURSABLE COSTS FOR
PROCESSING SPECIAL-USE
APPLICATIONS AND
ADMINISTRATION OF SPECIAL-USE
AUTHORIZATIONS**

Priority: Other Significant

Legal Authority: 43 USC 1764; 30 USC 181

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The objective of this proposal is to incorporate into regulation the authority contained in the Mineral Leasing Act and the Federal Land Policy and Management Act to reimburse the United States for reasonable administrative costs associated with the issuance and administration of special-use authorizations on National Forest System lands. It responds to a recommendation contained in GAO Audit Report RCED-97-16 (12/96).

Timetable:

Action	Date	FR Cite
NPRM	11/24/99	64 FR 66341
NPRM Comment Period Extended	12/29/99	64 FR 72971
NPRM Comment Period End	02/04/00	
Comment Period Extended	02/25/00	65 FR 10042
Comment Period End	03/09/00	

USDA—FS

Final Rule Stage

Action	Date	FR Cite
Final Action	03/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Additional Information: Cost reimbursement for processing special-use applications and administration of special-use authorizations was originally included under RIN 0596-AA36. All provisions pertaining to the special-use application and administration process have been merged with RIN 0596-AB35. Thus, this rulemaking addresses only the cost-reimbursement provisions.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB36**432. PREFERENCE FOR VISITOR SERVICE; ALASKA NATIONAL FOREST CONSERVATION SYSTEM UNITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3197**CFR Citation:** 36 CFR 251**Legal Deadline:** None

Abstract: The Forest Service is issuing regulations to define and establish procedures for administering the statutory rights and preferences established by the Alaska National Interest Lands Conservation Act of 1980 for historical operators, Native Corporations, and local residents to conduct revenue producing visitor services on certain National Forest System Lands in Alaska. The regulations are necessary to comply with section 1307 of the Alaska National Interest Lands Conservation Act, which requires the Secretary of Agriculture to give preference to persons he determines by rule are local residents. The regulations, which have been developed in close consultation with the other Federal land managing agencies in Alaska, will apply only to Conservation System Units administered by the Forest Service. As applied to these regulations, administered Conservation System

Units are Forest Service National Monuments and units of the National Wild and Scenic River Systems, National Trails System, and the National Wilderness Preservation System in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/25/97	62 FR 20140
NPRM Comment Period End	06/24/97	
Final Action	01/00/02	
Final Action Effective	02/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB57**433. CATEGORICAL EXCLUSION FOR CERTAIN SPECIAL USES PERMIT ACTIONS (FSH 1909.15, CHAPTER 30)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321 to 4346**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: In April 1997, the Forest Service completed a reengineering study of its special uses program. One finding in that study was that the Forest Service is conducting extensive National Environmental Policy Act (NEPA) analysis and documentation for the renewal or transfer of ownership of special use authorizations having no significant effect on the human environment, either individually or cumulatively. This level of NEPA compliance is costly, time consuming, and not commensurate with the risk attributed to the activity. Therefore, the Forest Service proposes to add a new category of categorical exclusions from NEPA documentation at sections 31.1b and 31.2 of FSH 1909.15, Environmental Policy and Procedures Handbook. This action would give clearer direction regarding the NEPA obligation, when issuance of a special use authorization is a purely ministerial action and no changes are proposed in permitted activities or facilities.

Further, the Forest Service proposes to amend section 30.3 to clarify the NEPA documentation that is needed for processing applications and authorizations under a categorical exclusion when extraordinary circumstances exist. There is confusion surrounding section 30.3 about the "mere presence" of an extraordinary circumstance and the implication of a need for an Environmental Assessment (EA) or Environmental Impact Statement (EIS). The Forest Service proposes to amend this section to provide that an identified extraordinary circumstance must clearly have a significant impact on the National Forest resource to merit preparation of an EA or EIS.

Timetable:

Action	Date	FR Cite
NPRM	09/20/01	66 FR 48412
NPRM Comment Period End	11/19/01	
Final Action	02/00/02	
Final Action Effective	02/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB73**434. • NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING; EXTENSION OF COMPLIANCE DEADLINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1600 et seq; 5 USC 301**CFR Citation:** 36 CFR 219, subpart A**Legal Deadline:** None

Abstract: The Department of Agriculture is proposing to amend the November 2000 land and resource management planning rule to extend for 1 year the date specified in 36 CFR 219.35(b) by which all plan amendments and revisions would be subject to the new planning rule requirements. This proposed rule will allow for public comment on the

USDA—FS

Final Rule Stage

extension of the May 9, 2001, compliance date to May 9, 2002. The Department has determined that the May 9, 2001, date is impracticable for several reasons: (1) According to the new regulations, units not publishing a draft environmental document by May 9, 2001, would be required to abandon the 1982 rule procedures and start over using the new planning process. Approximately 20 units of the National Forest System have begun revising their plans under the 1982 rule, and numerous amendments are also underway. Extensive amounts of public involvement and analysis have already been invested in these efforts, and most of the units are not able to meet the May 9, 2001, deadline. The new regulations are substantially different from the 1982 regulations. As a consequence, the Agency would waste valuable time and resources halting and restarting these planning efforts already underway. For these reasons, it would be impracticable for the Department to require these units to adhere to the May 9, 2001, deadline. (2) Because of the complexity of the

new regulations, the Agency has been unable to complete the necessary policy and procedural guidance needed to implement the new rule. In addition, training programs have not been developed, and technical support for many of the complex new analytical requirements of the new rule are not yet available. (3) The Department has been made aware of serious concerns about the Agency's ability to implement some provisions of the new planning rule. Therefore, extending the compliance date for 1 year to May 9, 2002, would also allow the Department to review the regulation carefully and determine if any adjustments are necessary to improve its implementation. Because the May 9, 2001, compliance date is imminent, the Department simultaneously published an interim final rule that would immediately extend the compliance deadline. While this interim action is necessary to grant relief to the approximately 20 units that have begun plan revisions under the 1982 regulations but cannot meet the impending deadline, the Department

believes that the public should have an opportunity to comment on this extension. Consequently, the Department is planning to publish a proposed rule with a request for public comment.

Timetable:

Action	Date	FR Cite
NPRM	05/17/01	66 FR 27555
NPRM Comment Period End	07/16/01	
Final Action	04/00/02	
Final Action Effective	05/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB87
**Department of Agriculture (USDA)
Forest Service (FS)**

Long-Term Actions

**435. APPEAL OF DECISIONS
RELATING TO OCCUPANCY AND USE
OF NATIONAL FOREST SYSTEM
LANDS**
Priority: Substantive, Nonsignificant**CFR Citation:** 36 CFR 251; 36 CFR 214**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly
Phone: 703 605-4533
Fax: 703 605-5111
Email: mconnolly@fs.fed.us

RIN: 0596-AB45**BILLING CODE** 3410-11-S
**Department of Agriculture (USDA)
Office of the Secretary (AgSEC)**

Proposed Rule Stage

**436. GENERAL NONPROCUREMENT
REGULATIONS**
Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 5 USC 901 et seq**CFR Citation:** 7 CFR 3020**Legal Deadline:** None

Abstract: USDA published 7 CFR part 3015, Uniform Federal Assistance Regulations, in 1981 to establish and codify departmentwide policies and standards for administering grants and cooperative agreements to governmental and nongovernmental entities. Since

that time, the Office of Management and Budget has lead efforts to establish Governmentwide common rules for governmental and nongovernmental recipients of grants and cooperative agreements. Consequently, over the years, USDA has codified its Governmentwide common rules in other parts of title 7 of the CFR. This has resulted in corresponding amendments to part 3015 to revise its scope accordingly. We are proposing to remove part 3015 and to add part 3020 to parts of title 7. We are proposing to include other administrative requirements that were never codified.

The alternative would be to continue to work with the disjointed, outdated part 3015. Expected results are that the new part 3020 will be more clear and concise and will only contain those crosscutting requirements not included in other USDA departmentwide administrative regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: No

USDA—AgSEC

Proposed Rule Stage

Government Levels Affected: State, Local, Tribal

Federalism: Undetermined

Agency Contact: Annie Walker-Bradley, Acting Division Director, Office of the Chief Financial Officer, Department of Agriculture, Office of the Secretary, Room 4606-S, 1400

Independence Avenue SW,
Washington, DC 20250
Phone: 202 720-1204

RIN: 0503-AA21

**Department of Agriculture (USDA)
Office of the Secretary (AgSEC)**

Long-Term Actions

**437. DESIGNATION OF RURAL
EMPOWERMENT ZONES AND
ENTERPRISE COMMUNITIES**

Priority: Other Significant

CFR Citation: 7 CFR 25

Timetable:

Action	Date	FR Cite
NPRM	04/27/00	65 FR 24656
NPRM Comment Period End	06/26/00	
Next Action	Undetermined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected:
Undetermined

Agency Contact: Jay Norman Reid
Phone: 202 619-7980

RIN: 0503-AA20

**Department of Agriculture (USDA)
Office of the Secretary (AgSEC)**

Completed Actions

**438. NONDISCRIMINATION IN USDA-
CONDUCTED PROGRAMS AND
ACTIVITIES**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	11/30/99	64 FR 66709

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: David Winningham
Phone: 202 720-5212

RIN: 0503-AA15

BILLING CODE 3410-90-S

**Department of Agriculture (USDA)
Rural Business-Cooperative Service (RBS)**

Prerule Stage

**439. INTERMEDIARY RELENDING
PROGRAM PARTICIPATION
AGREEMENTS**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC
1932 note

CFR Citation: 7 CFR 4274, subpart D

Legal Deadline: None

Abstract: The Agency is considering authorizing Intermediary Relending

Program intermediaries to sell participation agreements in their loans.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/02	
ANPRM Comment Period End	03/00/02	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Wayne Stansbery, Chief, Processing Branch, Specialty Lenders Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6867/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225
Phone: 202 720-6819
Fax: 202 720-6561
Email: wayne.stansbery@usda.gov

RIN: 0570-AA33

**Department of Agriculture (USDA)
Rural Business-Cooperative Service (RBS)**

Proposed Rule Stage

**440. BUSINESS AND INDUSTRY
GUARANTEED LOAN PROGRAM—
FINANCING COOPERATIVE STOCK**

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC
1480; 5 USC 301

CFR Citation: 7 CFR 4279, subpart B;
7 CFR 4279, subpart A

Legal Deadline: None

Abstract: The Agency proposes to revise the Business and Industry Program regulations to incorporate additional guidance and eliminate or reduce certain requirements when financing cooperative stock. It also proposes to develop a streamlined application form when financing

working capital, which includes cooperative stock.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	

USDA—RBS

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None

Agency Contact: Richard Bonnet, Sr. Loan Specialist, B&I Processing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6864/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1804
Email: rick.bonnet@usda.gov

RIN: 0570-AA26**441. RURAL BUSINESS ENTERPRISE GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1932; 7 USC 1989; 16 USC 1005**CFR Citation:** 7 CFR 1942; 7 CFR 4284**Legal Deadline:** None

Abstract: The Rural Business-Cooperative Service proposes to completely rewrite and renumber 7 CFR 1942, subpart G, to 7 CFR part 4284, subpart B. This rewrite will incorporate public law changes and clarify administrative regulatory procedures and guidelines in order to improve program administration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6867/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225
Phone: 202 690-2516
Fax: 202 720-6561
Email: amy.cavanaugh@usda.gov

RIN: 0570-AA28

Department of Agriculture (USDA)

Final Rule Stage

Rural Business-Cooperative Service (RBS)

442. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM**Priority:** Other Significant**Legal Authority:** 7 USC 940c**CFR Citation:** 7 CFR 1703, subpart B; 7 CFR 4280, subpart A**Legal Deadline:** None

Abstract: This action is part of a reinvention laboratory initiative of the Department of Agriculture and Rural Business-Cooperative Service. The regulations will be written in a "plain language" style. The regulation will be simpler and improve the ease of use by the public and program beneficiaries. The regulation will be written in a question and answer format from the perspective of questions from the applicant under this program. The regulations will simplify the application format, review and selection process, and recipient's recordkeeping requirements. It will also add a section on the appeal of adverse decisions. The comment period on the proposed rule ended February 14, 2000. The Agency received 28 written comments. The Agency conducted a meeting, which was open to the public on August 2, 2000, to allow the Agency to listen to oral presentations from the general public on the proposed rule. The Agency will respond to the comments made at the meeting in the

preamble to the final rule as part of the rulemaking processing under the Administrative Procedures Act.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 69937
NPRM Comment Period End	02/14/00	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Patricia Wing, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6867, South Building, STOP 3225, Washington, DC 20250
Phone: 202 720-9558
Email: patricia.wing@usda.gov

RIN: 0570-AA19**443. ALLOCATION FORMULAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 1940, subpart L**Legal Deadline:** None

Abstract: This action will amend existing regulations for allocating program funds among Agency State offices. It will add the Rural Business Opportunity Grant Program and update

the formulas used for Rural Business Enterprise Grant and Business and Industry Programs.

Timetable:

Action	Date	FR Cite
NPRM	08/03/00	65 FR 47695
NPRM Comment Period End	10/02/00	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Wayne Stansbery, Chief, Processing Branch, Specialty Lenders Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6867/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225
Phone: 202 720-6819
Fax: 202 720-6561
Email: wayne.stansbery@usda.gov

RIN: 0570-AA30**444. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—DOMESTIC LAMB INDUSTRY ADJUSTMENT ASSISTANCE PROGRAM SET-ASIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301**CFR Citation:** 7 CFR 4279, subpart B

USDA—RBS

Final Rule Stage

Legal Deadline: None

Abstract: This action provides for a set-aside of \$15 million in Business and Industry Guaranteed Loans in fiscal year (FY) 2001, \$15 million in FY 2002, and \$5 million in FY 2003 to help fund the Domestic Lamb Industry Adjustment Assistance Program. The set-aside is to be effective September 30, 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/00	65 FR 64596
Interim Final Rule Effective	10/30/00	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Roland T. Woodfolk, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6864/STOP 3224
Phone: 202 690-3805
Fax: 202 690-3808

Email: roland.woodfolk@usda.gov

Richard Bonnet, Sr. Loan Specialist, B&I Processing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6864/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1804
Email: rick.bonnet@usda.gov

RIN: 0570-AA31

445. THE RURAL BUSINESS ENTERPRISE GRANTS AND TELEVISION DEMONSTRATION GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 1932; 7 USC 1989; 16 USC 1005

CFR Citation: 7 CFR 1942, subpart G

Legal Deadline: None

Abstract: The Agency proposes to revise its regulation by clarifying the definition of small and emerging private business enterprise. This action

will streamline the regulation and reduce the burden to the applicant in meeting the restricted definition.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/01	66 FR 27013
Interim Final Rule Comment Period End	07/16/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6867/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225
Phone: 202 690-2516
Fax: 202 720-6561
Email: amy.cavanaugh@usda.gov

RIN: 0570-AA32

Department of Agriculture (USDA) Rural Business-Cooperative Service (RBS)

Long-Term Actions

446. BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM—MISCELLANEOUS CHANGES

Priority: Other Significant

CFR Citation: 7 CFR 4287, subpart B; 7 CFR 4279, subpart A; 7 CFR 4279, subpart B

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bonnet
Phone: 202 720-1804
Email: rick.bonnet@usda.gov

RIN: 0570-AA23

447. AFFIRMATIVE FAIR HOUSING MARKETING PLAN

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 7 CFR 1703 subpart B; 7 CFR 1942 subpart G; 7 CFR 4284 subpart D; 7 CFR 4287, subpart B; 7 CFR 4279, subpart B; 7 CFR 4274,

subpart D; 7 CFR 4280, subpart A; 7 CFR 4287, subpart H

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Concepcion Malazo
Phone: 202 690-3810

RIN: 0570-AA24

Department of Agriculture (USDA) Rural Business-Cooperative Service (RBS)

Completed Actions

448. BUSINESS AND INDUSTRY DIRECT LOAN PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980, subpart E; 7 CFR 1942, subpart A; 7 CFR 1951, subpart E; 7

CFR 4274, subpart I; 7 CFR 4287, subpart H

Completed:

Reason	Date	FR Cite
Withdrawn	09/12/01	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Local, Tribal

Agency Contact: Richard Bonnet
Phone: 202 720-1804

USDA—RBS

Completed Actions

Email: rick.bonnet@usda.gov

RIN: 0570-AA22

449. RURAL AND RURAL AREA UNDER THE RURAL COMMUNITY ADVANCEMENT PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 4279; 7 CFR 1980; 7 CFR 1942; 7 CFR 4284

Completed:

Reason	Date	FR Cite
Withdrawn	01/12/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local

Agency Contact: Bill Hagy

Phone: 202 720-7287

RIN: 0570-AA27

BILLING CODE 3410-07-S

**Department of Agriculture (USDA)
Rural Utilities Service (RUS)**

Proposed Rule Stage

450. TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT, AND CONSTRUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: The Rural Utilities Service (RUS) proposes to amend 7 CFR 1755 to include requirements presently contained in RUS Bulletin 345-3. This rule would establish and codify provisions for the inclusion and removal for products from I.P. 344-2. This rule also proposes to integrate the existing section on field trials in the procedures for product acceptance and inclusion in this codification, as well as clarifying and reorganizing the field trials section.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522
Phone: 202 720-9550
Fax: 202 720-4120

RIN: 0572-AB40

451. SERVICING OF WATER PROGRAMS LOANS AND GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

Legal Deadline: None

Abstract: This proposed action combines nine existing loan-servicing regulations of Water Programs into one. The new regulations will codify and clarify Water Programs policy relating to loan-servicing by incorporating simplified language without significantly changing any of the Agency's servicing policies or procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522
Phone: 202 720-9550
Fax: 202 720-4120
RIN: 0572-AB59

452. MERGERS AND CONSOLIDATIONS OF ELECTRIC BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1717

Legal Deadline: None

Abstract: The Rural Utilities Service is proposing to amend subpart D to provide the Administrator the flexibility to limit the amount of a loan to a successor (surviving business entity following a merger) to no more than 10 percent of the municipal loan authorization for a particular fiscal year, with the balance of the limited first loan request (if any) being considered in subsequent years. The Administrator will consider this limitation in years where a significant loan backlog is determined to exist.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522
Phone: 202 720-9550
Fax: 202 720-4120

RIN: 0572-AB63

USDA—RUS

Proposed Rule Stage

**453. • ELECTRIC PROGRAM
STANDARD CONTRACT FORMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1724; 7 CFR 1726; 7 CFR 1755**Legal Deadline:** None**Abstract:** RUS proposes to amend its regulations to revise its standard forms of contracts that borrowers are required to use when contracting for construction and procurement financed through loans made or guaranteed by RUS, in accordance with applicable RUS regulations.**Timetable:**

Action	Date	FR Cite
ANPRM	09/16/98	63 FR 49503
ANPRM Comment Period End	11/16/98	
NPRM	12/00/01	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB67

exemption from operational controls status under the 110 percent rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB68**Department of Agriculture (USDA)
Rural Utilities Service (RUS)**

Final Rule Stage

**455. EXTENSIONS OF PAYMENTS OF
PRINCIPAL AND INTEREST****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1721**Legal Deadline:** None**Abstract:** This rule will add subpart B which will set forth the procedures under which borrowers may request an extension for the payment of principal and interest.**Timetable:**

Action	Date	FR Cite
NPRM	01/09/01	66 FR 1604
NPRM Comment Period End	03/12/01	
Final Rule	12/00/01	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence

Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB60**456. SETTLEMENT OF DEBT****Priority:** Other Significant**Legal Authority:** 7 USC 901 to 950b; 7 USC 1981; PL 99-591; PL 103-354**CFR Citation:** 7 CFR 1717**Legal Deadline:** None**Abstract:** The Rural Utilities Service (RUS) proposes to amend its debt settlement procedures to allow its Administrator to modify the requirements borrowers must meet to receive debt settlements. Currently, all borrowers must meet the same requirements regardless of the amount of debt or other circumstances. The intent of the proposed change is to facilitate debt settlements where the RUS Administrator determines that the Government's interest in the debt can still be protected without having the borrower meet each of the current requirements. Such determinations would be made on a case by case basis.

While the change is expected to improve the efficiency of debt settlements, it is not intended to alter the basic outcome of such settlements.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB61**457. DEMAND SIDE MANAGEMENT
AND RENEWABLE ENERGY SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

USDA—RUS

Final Rule Stage

CFR Citation: 7 CFR 1710

Legal Deadline: None

Abstract: The Agency is removing subpart H in its entirety.

Timetable:

Action	Date	FR Cite
NPRM	04/25/01	66 FR 20759
NPRM Comment Period End	05/25/01	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB65

458. • TELECOMMUNICATIONS PROGRAM SPECIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: The Rural Utilities Service (RUS) is proposing to amend its regulations to change the manner in which it publishes the specifications that products need to meet for their use in telecommunications systems of RUS Borrowers. The specifications are currently published in the text of the CFR. This proposed rule would eliminate this unnecessary and burdensome publication in the CFR.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB69

459. • DISTANCE LEARNING AND TELEMEDICINE LOAN AND GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 950aaa et seq

CFR Citation: 7 CFR 1703

Legal Deadline: None

Abstract: RUS is amending its regulations for the Distance Learning and Telemedicine (DLT) Loan and Grant Program. These amendments will clarify eligibility; change the grant minimum matching contribution; clarify the circumstances under which transmission facilities are funded; modify financial information requirements; adjust the leveraging scoring criterion; clarify financial information to be submitted; and make other minor changes and corrections. The intended effect is to clarify procedures for DLT applicants.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB70

Department of Agriculture (USDA)

Rural Utilities Service (RUS)

Long-Term Actions

460. RUS APPROVAL OF ADDITIONS AND EXTENSIONS TO ELECTRIC PLANTS

Priority: Other Significant

CFR Citation: 7 CFR 1717.603

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB38

461. THE "BUY AMERICAN" REQUIREMENT

Priority: Other Significant

CFR Citation: 7 CFR 1787

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB55

Department of Agriculture (USDA)
Rural Utilities Service (RUS)
Completed Actions
462. ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1728

Completed:

Reason	Date	FR Cite
Withdrawn	08/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AA67

463. TELECOMMUNICATIONS SYSTEM CONSTRUCTION CONTRACT AND SPECIFICATIONS
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1755

Completed:

Reason	Date	FR Cite
Final Action	08/17/01	66 FR 43309
Final Action Effective	09/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB41

464. POST-LOAN POLICIES AND PROCEDURES COMMON TO GUARANTEED AND INSURED LOANS
Priority: Other Significant

CFR Citation: 7 CFR 1744

Completed:

Reason	Date	FR Cite
Final Action	08/09/01	66 FR 41755

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB48

465. WATER AND WASTE DISPOSAL PROGRAMS GUARANTEED LOANS
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1779; 7 CFR 1980; 7 CFR 1780

Completed:

Reason	Date	FR Cite
Final Rule	05/08/01	66 FR 23135
Final Action Effective	06/07/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB57

466. ELIMINATION OF CURRENT RATIO REQUIREMENTS
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1717

Completed:

Reason	Date	FR Cite
Withdrawn	08/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB58

467. POLICY ON AUDITS OF RUS BORROWERS; GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS (GAGAS)
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1773

Completed:

Reason	Date	FR Cite
Direct Final Rule	05/21/01	66 FR 27833
Final Action Effective	07/18/01	66 FR 37406

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB62

468. PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED TELECOMMUNICATIONS LOANS
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1737

Completed:

Reason	Date	FR Cite
Withdrawn	08/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB64

469. POLICY ON AUDITS OF RUS BORROWERS: MANAGEMENT LETTER
Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1773

Completed:

Reason	Date	FR Cite
Direct Final Rule	05/21/01	66 FR 27829
Final Action Effective	07/18/01	66 FR 37405

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB66

BILLING CODE 3410-15-S

Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

Proposed Rule Stage

470. WETLAND CATEGORICAL MINIMAL EFFECTS EXEMPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 3801 et seq

CFR Citation: 7 CFR 12

Legal Deadline: None

Abstract: The 1985 Farm Bill, as amended, gives producers a major incentive to conserve wetlands by tying eligibility for most USDA program benefits to conservation of wetlands. However, producers can convert wetlands based on available exemptions, including a minimal effect exemption. A minimal effect applies if the action, individually and cumulatively, will have minimal effect on the functional hydrological and biological value of the wetlands in the area. A categorical minimal effect is one that, when carried out, will always have a minimal effect on the hydrologic and biological functions of wetlands in the area. These activities will be identified on a regional basis.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Helen Huntington, Regulatory Liaison, Department of Agriculture, Natural Resources Conservation Service, Mail Stop 5460, 5601 Sunnyside Avenue, Beltsville, MD 20705
 Phone: 301 504-2165
 Fax: 301 504-2161
 Email: helen.huntington@usda.gov
RIN: 0578-AA27

471. EMERGENCY WATERSHED PROTECTION PROGRAM

Priority: Other Significant

Legal Authority: PL 81-516; 33 USC 701; PL 95-334; 16 USC 2203

CFR Citation: 7 CFR 624

Legal Deadline: None

Abstract: A revision is necessary to incorporate changes in the program, which have resulted from the passage of the 1996 Farm Bill; to fulfill a desire to make the program more responsive and efficient; and to respond to concerns of the public and the Agency. The rule is being reorganized and several items added.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Thomas A Weber, Deputy Chief for Programs, Department of Agriculture, Natural Resources Conservation Service, Room 5004-S, PO Box 2890, Washington, DC 20013
 Phone: 020 720-4527
 Fax: 202 720-6559
 Email: tweber@usda.gov
RIN: 0578-AA30

Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

Final Rule Stage

472. FORESTRY INCENTIVES PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 2101 and 2103

CFR Citation: 7 CFR 635; 7 CFR 701

Legal Deadline: None

Abstract: The Forestry Incentives Program (FIP) supports good forest management practices on privately owned, non-industrial forest lands nationwide. FIP is designed to benefit the environment while meeting future demands for wood products. The Cooperative Forestry Assistance Act of 1978, as amended by Public Law 95-313, is the source of authority for FIP. FIP was reauthorized for fiscal year 2002 by Public Law 104-127. The interim rule sets forth FIP policies and procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/02	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Helen Huntington, Regulatory Liaison, Department of Agriculture, Natural Resources Conservation Service, Mail Stop 5460, 5601 Sunnyside Avenue, Beltsville, MD 20705
 Phone: 301 504-2165
 Fax: 301 504-2161
 Email: helen.huntington@usda.gov
RIN: 0578-AA26

473. CONSERVATION OF PRIVATE GRAZING LAND

Priority: Other Significant

Legal Authority: 16 USC 2005b

CFR Citation: 7 CFR 610

Legal Deadline: None

Abstract: Private grazing land constitutes nearly one-half of the non-Federal land of the United States and is basic to environmental, social, and economic stability of rural areas. In fact, grazing land constitutes the single largest watershed cover type in the United States and contributes

significantly to the quality and quantity of water for all of the many uses in the watershed. Congress recognized the importance of grazing lands in subtitle H, section 386, of the Federal Agriculture Improvement and Reform Act of 1996 by authorizing the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing lands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/01	66 FR 34584
NPRM Comment Period End	08/28/01	
Final Rule	03/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Helen Huntington, Regulatory Liaison, Department of Agriculture, Natural Resources Conservation Service, Mail Stop 5460, 5601 Sunnyside Avenue, Beltsville, MD 20705

USDA—NRCS

Final Rule Stage

Phone: 301 504-2165
Fax: 301 504-2161

Email: helen.huntington@usda.gov
RIN: 0578-AA29

Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

Long-Term Actions

474. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION**Priority:** Other Significant**CFR Citation:** 7 CFR 12**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47019

Action	Date	FR Cite
Interim Final Rule	11/05/96	
Comment Period		
End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Helen Huntington
Phone: 301 504-2165
Fax: 301 504-2161
Email: helen.huntington@usda.gov

RIN: 0578-AA17
BILLING CODE 3410-16-S

Department of Agriculture (USDA)
Office of Procurement and Property Management (OPPM)

Final Rule Stage

475. OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT (OPPM); UNIFORM PROCEDURES FOR THE ACQUISITION AND TRANSFER OF EXCESS FEDERAL PROPERTY**Priority:** Info./Admin./Other**Legal Authority:** 7 USC 2206a; 7 USC 301 note; 7 USC 321 et seq; 20 USC 1059c(b)**CFR Citation:** 7 CFR 3200**Legal Deadline:** None**Abstract:** The Office of Procurement and Property Management (OPPM) is amending its procedures for the acquisition and transfer of excess

personal property to 1994 Institutions (as defined in section 532 of the Equity in Education Land Grant Status Act of 1994); Hispanic-Serving Institutions (as defined in section 316(b) of the Higher Education Act of 1965); and any college or university eligible to receive funds under the Act of August 30, 1890. This amendment clarifies administrative rules regarding equipment transfer and reduces the administrative burden placed on recipient Institutions.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Kathleen N. Fay,
Property Utilization Specialist,
Department of Agriculture, Office of
Procurement and Property
Management, Mail Stop 9304, 1400
Independence Avenue SW,
Washington, DC 20250
Phone: 202 720-9779
Email: kathy.fay@usda.gov

RIN: 0599-AA10

Department of Agriculture (USDA)
Office of Procurement and Property Management (OPPM)

Long-Term Actions

476. NEW RESTRICTIONS ON LOBBYING**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 3018**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local**Agency Contact:** Joseph J. Daragan

Phone: 202 720-5729
Email: joe.daragan@usda.gov

RIN: 0599-AA03

Department of Agriculture (USDA)
Office of Procurement and Property Management (OPPM)

Completed Actions

477. AGRICULTURE ACQUISITION REGULATION (AGAR); CONTRACTOR EMPLOYMENT OF MIGRANT AND SEASONAL AGRICULTURAL WORKERS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 422; 48 CFR 452

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Joseph J. Daragan

Phone: 202 720-5729

Email: joe.daragan@usda.gov

RIN: 0599-AA05

478. AGRICULTURE ACQUISITION REGULATION: AMENDMENT TO PART 442, CONTRACT ADMINISTRATION

Priority: Info./Admin./Other

CFR Citation: 48 CFR 442

Completed:

Reason	Date	FR Cite
Final Action	10/01/01	66 FR 49866
Final Action Effective	11/30/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Joseph J. Daragan

Phone: 202 720-5729

Email: joe.daragan@usda.gov

RIN: 0599-AA08

479. AGRICULTURE ACQUISITION REGULATION; PART 419 AMENDMENT; NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM

Priority: Info./Admin./Other

CFR Citation: 48 CFR 419.508; 48 CFR 452.219-70

Completed:

Reason	Date	FR Cite
Direct Final Rule	09/27/01	66 FR 49316
Direct Final Rule Effective	11/26/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Joseph J. Daragan

Phone: 202 720-5729

Email: joe.daragan@usda.gov

RIN: 0599-AA09

[FR Doc. 01-27113 Filed 11-30-01; 8:45 am]

BILLING CODE 3410-13-S