



# Federal Register

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**Monday,  
December 9, 2002**

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**Part III**

**Department of  
Agriculture**

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**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, Fall 2002

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 11, 2002.

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

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
169	National Laboratory Accreditation Program .....	0581-AB42
170	Changes in Fees for Federal Grading and Certification of Livestock for Chicago Mercantile Exchange Futures Deliveries .....	0581-AB66
171	Discontinue the Official Grading of Imported Beef, Lamb, Veal, and Calf Carcasses Under the Authority of the Agricultural Marketing Act of 1946 .....	0581-AB90
172	Revision of Regulations Governing the Inspection and Grading Service of Manufactured or Processed Dairy Products (DA-00-08) .....	0581-AB93
173	National Organic Program: Add Standards for Mushroom, Apiculture, Greenhouse, and Hydroponic Production Systems and the Handling of Honey (TM-01-09) .....	0581-AB96
174	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) .....	0581-AB97
175	Livestock Mandatory Reporting Program—Lamb Amendment (LS-01-08) <b>(Reg Plan Seq No. 1)</b> .....	0581-AB98
176	Establishing Fees for Voluntary Quality Systems Certification Services (LS-00-13) .....	0581-AC08
177	Voluntary Federal Meat Grading and Certification Services (LS-02-06) .....	0581-AC13
178	Exemption of Organic Producers From Research and Promotion/Marketing Order Assessment (PY-02-002) .....	0581-AC15
179	National Dairy Promotion and Research Program (DA-02-03) <b>(Reg Plan Seq No. 2)</b> .....	0581-AC16
180	User fees for 2003 Crop Cotton Classification Services (CN-02-006) .....	0581-AC17
181	PACA: Coating or Battering Fruits and Vegetables Does Not Alter Their Character (FV-02-369) .....	0581-AC21
182	Plant Variety Protection Services (ST-02-02) .....	0581-AC22
183	USDA "Produced From" Grademark for Shell Eggs (PY-02-007) .....	0581-AC24
184	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003) .....	0581-AC25

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
185	Hass Avocado Promotion, Research, and Information Order (FV-01-705) .....	0581-AB92
186	Mango Promotion, Research, and Information Order (FV-01-707) .....	0581-AC05
187	Flue-Cured Tobacco Advisory Committee: Amendment to Regulations (TB-02-14) .....	0581-AC11
188	Quality Systems Verification Program (LS-02-10) .....	0581-AC12

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## Agricultural Marketing Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
189	National Organic Program, Amendment to the National List of Allowed and Prohibited Substances .....	0581-AC19
190	Tobacco Inspection: Mandatory Grading (TB-02-11) .....	0581-AC20
191	Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the U.S. and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations .....	0581-AC23

## Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
192	Cotton Futures Act: Changing the Destination of Spot Markets (CN-01-004) .....	0581-AC00
193	Voluntary Egg, Poultry, and Rabbit Grading, Increase in Fees and Charges (PY-02-002) .....	0581-AC10
194	Removal of Cottonseed Chemist Licensing Program and Fees (ST-02-03) .....	0581-AC18

## Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
195	General Specifications for Dairy Plants Approved for USDA Inspection and Grading .....	0581-AB59
196	Revision of User Fees for 2002 Crop Cotton Classification Services .....	0581-AC04
197	Establishing a Lamb Promotion, Research, and Information Order (LS-01-12) .....	0581-AC06
198	Fluid Milk Promotion Program (DA-02-02) .....	0581-AC14

## Agricultural Marketing Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0581-AC09	California Prune/Plum (Tree Removal) Program, Extension of Program	08/08/2002	Withdrawn

## Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
199	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs .....	0560-AF60
200	Producer Disqualification for Crop Insurance Fraud .....	0560-AG70
201	2002 Farm Bill Regulations—Loan Eligibility With Prior Debt Forgiveness .....	0560-AG81

## Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
202	2002 Farm Bill Regulations—Conservation Reserve Program .....	0560-AG74
203	2002 Farm Bill Regulations—General Credit Provisions .....	0560-AG78

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## Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
204	Amendments to the Standards for Approval of Warehouse for Commodity Credit Corporation Storage Contracts ...	0560-AE50
205	Deletion of FSA Regulations Regarding Colorado River Basin Salinity Control Program .....	0560-AE54
206	Amendments to the Debt Settlement Policies and Procedures To Conform to the Debt Collection Improvement Act of 1996 .....	0560-AF22
207	Amendments to the Conservation Reserve Program Regulations Regarding Land Eligibility .....	0560-AF77
208	Emergency Conservation Program .....	0560-AG26
209	Interest Assistance Program .....	0560-AG46
210	Ocean Freight Claims Administrative Appeal Process .....	0560-AG49
211	Elimination of 30-Day Past-Due Period for Farm Loan Program Borrowers .....	0560-AG50
212	Tobacco Marketing Quotas, Cards, Penalty Provisions, Recordkeeping and Reporting .....	0560-AG52
213	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements .....	0560-AG53
214	Amendment to the Regulations for Determining Acreage for Skip-Row Cotton .....	0560-AG55
215	Prompt Disaster Set-Aside Consideration and Primary Loan Servicing .....	0560-AG56
216	2002-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco .....	0560-AG58
217	2002-Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG59
218	2002-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG60
219	Servicing Minor Farm Loan Program Loans .....	0560-AG67
220	2002 Farm Bill Regulations—Direct and Counter-Cyclical Payments .....	0560-AG71
221	2002 Farm Bill Regulations—Assistance for Livestock Producers .....	0560-AG76
222	2002 Farm Bill Regulations—Acreage Reporting and Common Provisions .....	0560-AG79
223	2002 Farm Bill Regulations—Equitable Relief .....	0560-AG80
224	2002 Farm Bill Regulations—Tree Assistance Program .....	0560-AG83
225	2002 Farm Bill Regulations—Bioenergy Program .....	0560-AG84
226	2002 Farm Bill Regulations—Income Limits .....	0560-AG86

## Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identification Number
227	Mediation; Agricultural Loan Mediation Program .....	0560-AE26
228	Noninsured Crop Disaster Assistance Program Regulations for the 2001 and Succeeding Crop Years .....	0560-AG20
229	Conservation of Farmable Wetlands .....	0560-AG38
230	Tobacco Loss Assistance Program and Amendments to the Tobacco Marketing Quota Regulations .....	0560-AG40
231	Collecting Guaranteed Loss Payments From FSA Farm Loan Program Borrowers .....	0560-AG44
232	Implementation of the U.S. Warehouse Act of 2000 .....	0560-AG45
233	Horse Breeder Loans .....	0560-AG62
234	Apple Market Loss Payment Program II .....	0560-AG63
235	Limitations on Amount of Guaranteed Farm Ownership and Operating Loans .....	0560-AG64
236	Sale and Purchase of Flue-Cured Tobacco Across County Lines (Florida and Georgia) .....	0560-AG68
237	Boll Weevil Eradication Loan Program .....	0560-AG69
238	2002 Farm Bill Regulations—Marketing Assistance Loans and Loan Deficiency Payments; Milk Price Support and Dairy Market Loss; Apple Market Loss .....	0560-AG72
239	2002 Farm Bill Regulations—Sugar Program .....	0560-AG73
240	2002 Farm Bill Regulations—Termination of Peanut Market Quota Program and Revised Flue-Cured Tobacco Reserve Stock Level .....	0560-AG75
241	2002 Farm Bill Regulations—Payment Limits .....	0560-AG77
242	2002 Farm Bill Regulations—Sea Grass and Sea Oats Eligibility for the Non-Insured Disaster Assistance Program .....	0560-AG82
243	2002 Farm Bill Regulations—Apple Market Loss Assistance Payment Program III .....	0560-AG85

## Farm Service Agency—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0560-AF36	Amendment to the Farm Reconstitution Regulations	05/20/2002	Withdrawn

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## Farm Service Agency—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
0560-AF71	Low Documentation Loan	04/01/2002	Merged With 0560-AG60
0560-AG07	Designation of Non-Auction Tobacco	06/05/2002	Withdrawn
0560-AG14	Agricultural Disaster and Market Assistance	05/20/2002	Merged With 0560-AG72
0560-AG42	Collection of Appraisal Fees for Farm Loan Programs, Insured Loans	06/03/2002	Withdrawn
0560-AG47	Non-Recourse Cotton Loan and Loan Deficiency Payment Programs; Upland Cotton First Handler Marketing Certificate Program; and Seed Cotton Recourse Loan Program	08/19/2002	Withdrawn
0560-AG54	General Regulations Governing Commodity Loans for 1998 and Subsequent Crops	09/01/2002	Withdrawn
0560-AG57	2002-Crop Peanuts National Poundage Quota for Quota Peanuts	05/20/2002	Withdrawn
0560-AG65	Clarification of Guaranteed Farm Ownership and Operating Loan Requirements	06/03/2002	Merged With 0560-AG53

## Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
244	Potential Pathways for the Spread of Bovine Spongiform Encephalopathy in U.S. Livestock .....	0579-AB43

## Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
245	Importation of Fuji Variety Apples From the Republic of Korea .....	0579-AA93
246	Blood and Tissue Collection at Livestock Slaughtering Establishments .....	0579-AB13
247	Plum Pox Compensation .....	0579-AB19
248	Bees, Beekeeping Byproducts, and Beekeeping Equipment ( <b>Section 610 Review</b> ) .....	0579-AB20
249	Veterinary Diagnostic User Fees—5-Year Plan for Fees ( <b>Section 610 Review</b> ) .....	0579-AB22
250	Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions .....	0579-AB31
251	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity ( <b>Reg Plan Seq No. 3</b> ) .....	0579-AB35
252	Importation of Milk and Milk Products From FMD Countries .....	0579-AB38
253	Importation of Solid Wood Packing Material; Adoption of International Standards .....	0579-AB48

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
254	Animal Welfare; Inspection, Licensing, and Procurement of Animals ( <b>Section 610 Review</b> ) .....	0579-AA94
255	Phytosanitary Treatment by Irradiation of Imported Fresh Fruits and Vegetables .....	0579-AA97
256	Importation of Unmanufactured Wood Articles From Mexico .....	0579-AB02
257	Establishment of Regions in the European Union for Classical Swine Fever, Foot-and-Mouth Disease, and Swine Vesicular Disease .....	0579-AB03
258	Nursery Stock Regulations ( <b>Section 610 Review</b> ) .....	0579-AB23
259	Foot-and-Mouth Disease; Payment of Indemnity ( <b>Reg Plan Seq No. 4</b> ) .....	0579-AB34
260	Infectious Salmon Anemia; Payment of Indemnity .....	0579-AB37
261	Animal Welfare; Policy on Training and Handling of Potentially Dangerous Animals .....	0579-AB39
262	Additional Restrictions on the Importation of Certain Ruminant Meat, Meat Products, and Edible Products Other Than Meat From BSE Regions .....	0579-AB41
263	Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity ( <b>Section 610 Review</b> ) .....	0579-AB42
264	Low Pathogenic Avian Influenza; Payment of Indemnity .....	0579-AB46

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Animal and Plant Health Inspection Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
265	Biological Agents and Toxins ( <b>Reg Plan Seq No. 5</b> ) .....	0579-AB47

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

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
266	Importation of Certain Embryos and Animal Semen ( <b>Section 610 Review</b> ) .....	0579-AA63
267	Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....	0579-AA80
268	Importation of Solid Wood Packing Material .....	0579-AA99
269	Horse Protection; Horse Industry Organizations .....	0579-AB04
270	Pseudorabies in Swine; Payment of Indemnity .....	0579-AB10
271	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
272	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs .....	0579-AB24
273	Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....	0579-AB26
274	Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....	0579-AB29
275	Draft Action Plan for the Noxious Weeds Program .....	0579-AB30
276	Tuberculosis; Indemnity for Dairy Cattle .....	0579-AB36
277	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program .....	0579-AB44
278	Karnal Bunt Compensation .....	0579-AB45

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
279	Importation of Clementines From Spain .....	0579-AB40

Animal and Plant Health Inspection Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0579-AB21	Exportation of Livestock	08/20/2002	Withdrawn
0579-AB25	Animal Welfare; Policy on Environment Enhancement for Nonhuman Primates	04/29/2002	Withdrawn

Cooperative State Research, Education, and Extension Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
280	Matching Requirements for Formula Funds for Agricultural Research and Extension Activities at the 1890 Land-Grant Institutions and at the 1862 Land-Grant Institutions in Insular Areas .....	0524-AA25
281	CSREES Agricultural Extension Formula Programs—Administrative Provisions .....	0524-AA26
282	CSREES Agricultural Research Formula Programs—Administrative Provisions .....	0524-AA27
283	CSREES Non-Formula Grant Programs—Administrative Provisions .....	0524-AA28

## USDA

## Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
284	Civil Rights Compliance Requirements—1901-E to 1940-D .....	0575-AA83
285	National Flood Insurance Regulations .....	0575-AC07
286	Servicing Community Programs Loans and Grants .....	0575-AC12
287	Multi-Family Housing (MFH) ( <b>Reg Plan Seq No. 6</b> ) .....	0575-AC13
288	Self-Help Technical Assistance Grants .....	0575-AC20
289	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations .....	0575-AC27
290	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation .....	0575-AC28

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

## Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
291	Environmental Program .....	0575-AB98
292	Direct Section 502 and 504 Single-Family Housing Program .....	0575-AB99
293	Guaranteed Single-Family Housing .....	0575-AC18
294	Operating Assistance for Migrant Farmworker Projects .....	0575-AC24
295	Technical Assistance To Encourage the Development of Domestic and Migrant Farm Labor Housing .....	0575-AC25

## Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
296	General Administrative Regulations; Subpart D; Application for Crop Insurance .....	0563-AB00
297	General Administrative Regulations; Movement of Business Among Insurance Providers .....	0563-AB71
298	General Administrative Regulations; Sanctions .....	0563-AB73
299	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions .....	0563-AB76
300	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions .....	0563-AB80
301	General Administrative Regulations; Actual Production History .....	0563-AB83
302	Common Crop Insurance Regulations; Basic Provisions and General Administrative Regulations, Subpart T, Regulations for Implementation .....	0563-AB85
303	General Administrative Regulations; Subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years .....	0563-AB86
304	General Administrative Regulations; Quality Assurance and Performance Measurement System for the Federal Crop Insurance Program .....	0563-AB88

## Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
305	Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Winter Coverage Endorsement .....	0563-AB63
306	General Administrative Regulations; Nonstandard Underwriting Classification System .....	0563-AB66
307	General Administrative Regulations; Premium Reductions; Payments of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities .....	0563-AB70
308	Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; Basic Provisions .....	0563-AB81
309	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums .....	0563-AB84
310	Common Crop Insurance Regulations .....	0563-AB87
311	Common Crop Insurance Regulations; Sunflower, Coarse Grains, Safflower, Dry Pea, Rice, and Dry Bean Crop Insurance Provisions .....	0563-AB89

## USDA

## Grain Inspection, Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
312	Livestock Purchase or Sale: Prohibit Non-Reporting of Price .....	0580-AA65
313	Prohibition on Disguising Grain Quality .....	0580-AA77
314	Fees for Official Inspection and Official Weighing Services .....	0580-AA80

## Grain Inspection, Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
315	Tolerances for Dividers .....	0580-AA57
316	Review Inspection Requirements .....	0580-AA58
317	Swine Packer Marketing Contracts .....	0580-AA71
318	Exceptions to Geographic Areas for Official Agencies Under the USGSA .....	0580-AA76

## Grain Inspection, Packers and Stockyards Administration—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0580-AA78	Laboratory Proficiency Program	07/01/2002	Withdrawn

## Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
319	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....	0584-AB10
320	Intentional Program Violation Reporting and Computer Matching Requirements That Affect the Food Stamp Program .....	0584-AB51
321	FSP: Civil Rights Data Collections .....	0584-AC75
322	Commodity Supplemental Food Program: Plain Language, Program Accountability, and Program Flexibility .....	0584-AC84
323	Food Stamp Program: Administrative Cost Reimbursement .....	0584-AC86
324	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages ( <b>Reg Plan Seq No. 7</b> ) .....	0584-AC90
325	Improving Access to the Food Stamp Program for Persons With Limited English Proficiency .....	0584-AD06
326	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....	0584-AD12
327	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....	0584-AD15
328	Food Stamp Program: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores .....	0584-AD18
329	Food Stamp Program: Simplification and State Flexibility ( <b>Reg Plan Seq No. 8</b> ) .....	0584-AD22
330	Food Stamp Program: Administrative Review Requirements—Food Retailers/Wholesalers .....	0584-AD23
331	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ...	0584-AD25
332	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD28
333	FSP: High Performance Bonuses ( <b>Reg Plan Seq No. 9</b> ) .....	0584-AD29
334	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 10</b> ) .....	0584-AD30
335	FSP: Quality Control Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 11</b> ) ....	0584-AD31
336	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 12</b> ) .....	0584-AD32
337	Commodity Supplemental Food Program (CSFP)—Allocation of Administrative Funds .....	0584-AD33
338	Senior Farmers' Market Nutrition Program (SFMNP) .....	0584-AD35

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

## USDA

## Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
339	WIC: Requirements for and Evaluation of WIC Program Requests for Bids for Infant Formula Rebate Contracts .....	0584-AB52
340	Food Stamp Program: Anticipating Income and Reporting Changes .....	0584-AB57
341	Child and Adult Care Food Program: Improving Management and Program Integrity ( <b>Reg Plan Seq No. 13</b> ) .....	0584-AC24
342	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....	0584-AC37
343	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....	0584-AC72
344	FSP: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability .....	0584-AC91
345	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....	0584-AC95
346	Implementation of Poultry Substitution Pilot as Permanent and Modification of Commodity Recordkeeping Requirements .....	0584-AD08
347	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments .....	0584-AD16
348	Expanded Verification of Eligibility Summary Requirements .....	0584-AD20
349	Privacy Act: Revision of an Existing System of Records .....	0584-AD24
350	Afterschool Snacks Under the Child and Adult Care Food Program .....	0584-AD27
351	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Exclusion of Military Housing Payments .....	0584-AD34

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
352	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94
353	State Administrative Expense Funds: Plain Language Rewrite .....	0584-AC96
354	Special Milk Program for Children: Plain Language Revision and Reorganization .....	0584-AC97
355	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
356	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 251, The Emergency Food Assistance Program (TEFAP) .....	0584-AC99
357	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 252, The National Commodity Processing Program (NCP) .....	0584-AD00
358	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 253, the Food Distribution Program on Indian Reservations (FDPIR) .....	0584-AD01
359	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 254, the Food Distribution Program on Indian Reservations (FDPIR) in Oklahoma .....	0584-AD02
360	Nutrition Education and Training Program: Plain Language Rewrite of 7 CFR Part 227 .....	0584-AD03
361	State Agency Liabilities and Federal Sanctions .....	0584-AD04
362	Payments of Certain Administrative Costs of State Agencies .....	0584-AD05
363	School Breakfast Program: Plain Language Revision and Reorganization .....	0584-AD10
364	WIC: Plain Language Rewrite of 7 CFR Part 248, Farmers' Market Nutrition Program .....	0584-AD11
365	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387 .....	0584-AD13
366	CNP: Plain Language Rewrite of 7 CFR Part 225, Summer Food Service Program .....	0584-AD17

## Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
367	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 .....	0584-AC45
368	National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program—Amendments to the Infant Meal Pattern .....	0584-AD26

## USDA

## Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
369	Poultry Inspection: Revision of Finished Product Standards With Respect to Ingesta .....	0583-AC77

## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
370	Transportation, Storage, and Other Handling of Potentially Hazardous Foods .....	0583-AC05
371	Grant and Inauguration of Inspection .....	0583-AC07
372	Performance Standards for Bacon ( <b>Reg Plan Seq No. 14</b> ) .....	0583-AC49
373	Reform of Regulations on Imported Meat and Poultry Products .....	0583-AC56
374	Egg and Egg Products Inspection Regulations ( <b>Reg Plan Seq No. 15</b> ) .....	0583-AC58
375	Labeling—Generic Approval and Regulation Consolidation .....	0583-AC59
376	Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems; Additions to Generic E. Coli Criteria .....	0583-AC63
377	Food Standards; Guiding Principles and Food Standards Modernization .....	0583-AC72
378	Petitions for Rulemaking .....	0583-AC81
379	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
380	Elimination of Chilling Time and Temperature Requirements for Ready-To-Cook Poultry ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 16</b> ) .....	0583-AC87
381	Emergency Regulations To Prevent Meat Food and Meat Products That May Contain the BSE Agent From Entering Commerce ( <b>Reg Plan Seq No. 17</b> ) .....	0583-AC88
382	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States ....	0583-AC91

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
383	Beef or Pork With Barbecue Sauce; Revision of Standards .....	0583-AC09
384	Performance Standards for Ready-To-Eat Meat and Poultry Products ( <b>Reg Plan Seq No. 18</b> ) .....	0583-AC46
385	Meat Produced by Advanced Meat/Bone Separation Machinery and Recovery Systems ( <b>Reg Plan Seq No. 19</b> ) ....	0583-AC51
386	Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products ( <b>Reg Plan Seq No. 20</b> ) .....	0583-AC60
387	Food Labeling; Nutrient Content Claims, Definition of the Term Healthy .....	0583-AC65
388	Incorporation of Food and Color Additives Into 21 CFR .....	0583-AC69
389	Performance Standards for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
390	Agency Organization .....	0583-AC78
391	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

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
392	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry .....	0583-AC43
393	Requirements for Disposition and Disposal of Inspected Raw Meat and Poultry Products .....	0583-AC44
394	Reworking of Meat and Poultry Carcasses Accidentally Contaminated During Evisceration .....	0583-AC53
395	Elimination of Requirements for Total Quality Control Systems .....	0583-AC68

## USDA

## Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
396	Sharing Recall Distribution Lists With State and Other Federal Government Agencies .....	0583-AC75

## Food Safety and Inspection Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0583-AC90	Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used <b>(Completion of a Section 610 Review)</b>	08/08/2002	Withdrawn

## Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
397	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
398	Program To Assist U.S. Producers in Developing Domestic Markets for Value-Added Wheat Gluten and Wheat Starch Products .....	0551-AA60
399	Technical Assistance for Specialty Crops .....	0551-AA63

## Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
400	CCC Supplier Credit Guarantee Program .....	0551-AA30
401	Facility Guarantee Program .....	0551-AA35

## Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
402	Freedom of Information Act (FOIA) Regulations for the Foreign Agricultural Service .....	0551-AA61

## Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
403	Hydropower Applications .....	0596-AA47
404	Indian Allotments on National Forest System Lands .....	0596-AA52
405	Small Tracts Act Regulations .....	0596-AA79
406	Species Surplus to Domestic Manufacturing Needs .....	0596-AB27
407	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....	0596-AB45
408	Law Enforcement Support Activities .....	0596-AB61

## USDA

## Forest Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
409	Noncompetitive Sale of Timber .....	0596-AB70
410	Land Uses; Special Uses Requiring Authorizations .....	0596-AB74
411	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....	0596-AB75
412	Special Forest Products and Forest Botanical Products .....	0596-AB81
413	Determining Fair Market Value for Recreation Residence Use Authorizations .....	0596-AB83
414	National Forest System Land and Resource Management Planning .....	0596-AB86
415	National Environmental Policy Act Documentation Needed for Certain Small Administrative Timber Sales on National Forest System Lands and Research Projects (Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB88
416	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities .....	0596-AB89
417	Land Uses; Prohibitions: Paleontological Resources .....	0596-AB91
418	Forest Service Trails Accessibility Guidelines .....	0596-AB92
419	Forest Service Outdoor Recreation Accessibility Guidelines .....	0596-AB93
420	Interim Directive to Forest Service Manual Chapter 1920, Land and Resource Management Planning, FSM 1923, Objection Process .....	0596-AB97
421	Locatable Minerals .....	0596-AB98
422	National Environmental Policy Act Documentation Needed for Fire Management Activities (Proposed Interim Directive to Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB99

## Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
423	Disposal of National Forest Timber; Cancellation of Timber Sale Contracts .....	0596-AB21
424	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations .....	0596-AB36
425	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Timber From Other Lands .....	0596-AB48
426	Preference for Visitor Service; Alaska National Forest Conservation System Units .....	0596-AB57
427	National Environmental Policy Act Documentation Needed for Certain Special Uses Permit Actions (Final Interim Directive to FSH 1909.15, Chapter 30) .....	0596-AB73
428	Revisions to Road Management Policy (Forest Service Manual Chapter 7710) .....	0596-AB90
429	Forest Land Enhancement Program .....	0596-AB95
430	Community and Private Land Forest Fire Assistance Program .....	0596-AB96

## Forest Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
431	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline .....	0596-AB87
432	Clarification of Extraordinary Circumstances for Categorical Exclusions .....	0596-AB94

## Forest Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0596-AB80	Use of Fixed Anchors in Wilderness	10/03/2002	Withdrawn

## USDA

## Office of Chief Financial Officer—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
433	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) .....	0505-AA11

## Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
434	General Nonprocurement Regulations .....	0503-AA21

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
435	Outreach and Assistance for Disadvantaged Farmers and Ranchers .....	0503-AA22

## Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
436	Business and Industrial Guaranteed Loan Program—Miscellaneous Changes .....	0570-AA23
437	Affirmative Fair Housing Marketing Plan .....	0570-AA24
438	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock .....	0570-AA26
439	Rural Business Enterprise Grant Program .....	0570-AA28
440	Annual Renewal Fee .....	0570-AA34
441	Rural Business Investment Program .....	0570-AA35

## 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	Rural Business Enterprise Grant Program—Farm Bill Changes .....	0570-AA36
446	B&I Guaranteed Loan Program Farm Bill Changes—Definition of Rural and Rural Area .....	0570-AA38
447	B&I Guaranteed Loan Program Farm Bill Changes—Expand Eligibility Criteria .....	0570-AA39

## Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
448	The Rural Business Enterprise Grants and Television Demonstration Grants—Small/Emerging Private Business Enterprise .....	0570-AA32
449	Rural Business Opportunity Grants—Definition of Rural and Rural Areas—Farm Bill Changes .....	0570-AA37

## USDA

## 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	Environmental Policies and Procedures .....	0572-AB73
453	Technical Assistance Grants .....	0572-AB75
454	Special Equipment Contract (Not Including Installation), RUS Form 398 .....	0572-AB76
455	Accounting Requirements for RUS Telecommunications Borrowers .....	0572-AB77
456	Extensions of Payments of Principal and Interest .....	0572-AB79
457	Launching Our Communities Access to Local Television Act of 2000 .....	0572-AB82

## Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
458	Settlement of Debt .....	0572-AB61
459	Demand Side Management and Renewable Energy Systems .....	0572-AB65
460	Electric Program Standard Contract Forms .....	0572-AB67
461	Exemptions of RUS Operational Controls Under Section 306E of the RE Act .....	0572-AB68
462	Telecommunications Program Specification .....	0572-AB69
463	General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans .....	0572-AB72
464	Seismic Safety .....	0572-AB74
465	Record Retention Requirements for RUS Electric and Telecommunications Borrowers .....	0572-AB78
466	Useful Life of Facility Determination .....	0572-AB80
467	Rural Broadband Access Loans and Loan Guarantees .....	0572-AB81
468	Guarantees for Bonds and Notes Issued for Electrification Purposes .....	0572-AB83

## Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
469	Mergers and Consolidations of Electric Borrowers .....	0572-AB63

## 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
472	Environmental Quality Incentives Program .....	0578-AA31
473	Agricultural Management Assistance Program .....	0578-AA32
474	Conservation Security Program .....	0578-AA36
475	Farm and Ranch Lands Protection Program .....	0578-AA37

## Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
476	Conservation of Private Grazing Land .....	0578-AA29
477	Third-Party Vendor .....	0578-AA35

**USDA**

Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
478	Highly Erodible Land and Wetland Conservation .....	0578-AA17
479	Forestry Incentives Program .....	0578-AA26

Natural Resources Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
480	Wetlands Reserve Program .....	0578-AA33
481	Wildlife Habitat Incentives Program .....	0578-AA34

Office of Procurement and Property Management—Final Rule Stage

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

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

**Proposed Rule Stage**

**169. NATIONAL LABORATORY ACCREDITATION PROGRAM**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 7 USC 138 to 138i

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Food, Agriculture, Conservation, and Trade Act of 1990 (the FACT Act) authorized the establishment of the National Laboratory Accreditation Program (NLAP). The NLAP is a voluntary, fee-for-service program for accrediting laboratories that analyze for the presence of pesticide residues in agricultural products. The regulations will ensure that laboratories which request accreditation and conduct residue testing of fresh fruits and vegetables for at least one of four classes of pesticides, or make claims to the public or buyers concerning the residue levels, meet certain standards.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/20/92	57 FR 54727

Action	Date	FR Cite
ANPRM Comment	01/19/93	
Period End		
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** James V. Falk, Scientist, Department of Agriculture, Agricultural Marketing Service, Room 3521-South, Technical Services Branch, P.O. Box 96456, Room 3523-south, Washington, DC 20090-6456  
Phone: 202 690-4089  
Fax: 202 720-6496  
Email: james.falk@usda.gov

**RIN:** 0581-AB42

**170. CHANGES IN FEES FOR FEDERAL GRADING AND CERTIFICATION OF LIVESTOCK FOR CHICAGO MERCANTILE EXCHANGE FUTURES DELIVERIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1621 to 1627

**CFR Citation:** 7 CFR 53

**Legal Deadline:** None

**Abstract:** The purpose of this action is to amend the rate and procedures used to charge applicants for Federal grading and certification of livestock inspected for deliveries on commodity futures contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John E. VanDyke, Branch Chief, Department of Agriculture, Agricultural Marketing Service, Room 2619-South, L&S, 14th & Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-6231  
Fax: 202 690-3732  
Email: john.vandyke@usda.gov

**RIN:** 0581-AB66

## USDA—AMS

## Proposed Rule Stage

**171. 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**Legal Authority:** 7 USC 1621 through 1627**CFR Citation:** 7 CFR 54**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) proposes to discontinue the official grading of imported beef, lamb, veal, and calf carcasses. Current regulations, promulgated under the Agricultural Marketing Act of 1946, permit the official grading of imported beef, lamb, veal, and calf carcasses provided the carcasses are in compliance with all requirements of the standards and regulations.

**Timetable:**

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

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

**Agency Contact:** Martin E. O'Connor, Assistant Chief, Department of Agriculture, Agricultural Marketing Service, P.O. Box 96456, Washington, DC 20250-6456

Phone: 202 720-7046

Fax: 202 690-4119

**RIN:** 0581-AB90**172. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICE OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS (DA-00-08)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621 to 1627**CFR Citation:** 7 CFR 58**Legal Deadline:** None

**Abstract:** These regulations have not been updated since December 1, 1976. The proposal will establish a revision of the existing regulations to strengthen program integrity, to update the regulations to accurately reflect inspection and grading services

available, and to clarify the meaning of the regulation provisions. The proposed changes are not expected to have any major impact on program participants as most participants are operating in a manner that is consistent with the proposed changes.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

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

**Agency Contact:** Duane R. Spomer, Associate Deputy Administrator for Standards and Grading, 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-AB93**173. 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 revising the regulatory provisions for labeling agricultural products as organically produced and handled (7 CFR part 205). This rule will establish production standards for mushroom, apiculture, and greenhouse production systems and handling standards for apiculture products. Also, this action 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	12/00/02	

**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.

**Agency Contact:** Richard H. Mathews, Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: richard.mathews@usda.gov

**RIN:** 0581-AB96**174. 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 revising the regulatory provisions for labeling of agricultural products as organically produced and handled (7 CFR part 205). The term "aquatic animal" will be incorporated 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 of organically produced commodities and prevention of contact between organically produced and prohibited substances.

## USDA—AMS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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

**RIN:** 0581-AB97**175. LIVESTOCK MANDATORY REPORTING PROGRAM—LAMB AMENDMENT (LS-01-08)****Regulatory Plan:** This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.**RIN:** 0581-AB98**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 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	11/00/02	
Final Action	04/00/03	

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

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, Room 2628-South, Mail Stop 0248, L&S, Meat Grading Branch, 14th and Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-0343  
Fax: 202 690-4119  
Email: larry.meadows@usda.gov

**RIN:** 0581-AC08**177. • VOLUNTARY FEDERAL MEAT GRADING AND CERTIFICATION SERVICES (LS-02-06)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1622 through 1624**CFR Citation:** 7 CFR 54**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is amending the fees for Voluntary Meat Grading and Certification services provided by the Meat Grading and Certification Branch. This rule would amend section 54.27 Charges for Service by replacing the published rates with the following rates accordingly. Commitment Basis \$55/hour, Noncommitment Basis \$64/hour, Premium Basis \$72/hour, and Holiday Basis \$110/hour. This amendment would allow the Branch to offset increased operating expenses and decreased revenue hours, and allow the Branch to maintain a 4-month operating reserve required by the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, Room 2628-South, Mail Stop 0248, L&S, Meat Grading Branch, 14th and Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-0343  
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Email: larry.meadows@usda.gov

**RIN:** 0581-AC13**178. • EXEMPTION OF ORGANIC PRODUCERS FROM RESEARCH AND PROMOTION/MARKETING ORDER ASSESSMENT (PY-02-002)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171, sec 10607

**CFR Citation:** 7 CFR 906; 7 CFR 916; 7 CFR 917; 7 CFR 927; 7 CFR 928; 7 CFR 929; 7 CFR 932; 7 CFR 955; 7 CFR 956; 7 CFR 958; 7 CFR 966; 7 CFR 981; 7 CFR 982; 7 CFR 984; 7 CFR 989; 7 CFR 1150; 7 CFR 1160; 7 CFR 1205; 7 CFR 1207; 7 CFR 1209; 7 CFR 1210; 7 CFR 1215; 7 CFR 1216; 7 CFR 1218; 7 CFR 1219; 7 CFR 1220; 7 CFR 1230; 7 CFR 1240; 7 CFR 1250; 7 CFR 1260; 7 CFR 1280; ...

**Legal Deadline:** Final, Statutory, May 13, 2003.

**Abstract:** Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act) was amended on May 13, 2002. The amendment exempts any person that produces and markets solely 100 percent organic products from paying assessments under a commodity promotion law. The amendment further provides that the Secretary amend any research and promotion regulations to reflect this exemption within 1 year. Therefore, the Department of Agriculture is proposing amendments to the research and promotion regulations and applicable marketing order programs for which it has oversight. The FAIR Act governs all research and promotion and 15 marketing order programs. Currently, there are 15 established research and promotion programs, with the additional program for Hass avocados in the final stages of rulemaking. The Hass avocado program should be fully implemented before this action is published.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

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

**Agency Contact:** Angela C. Snyder, Agricultural Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, STOP 0256, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-4476

## USDA—AMS

## Proposed Rule Stage

Fax: 202 720-5631

RIN: 0581-AC15

**179. • NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM (DA-02-03)**

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

RIN: 0581-AC16

**180. • USER FEES FOR 2003 CROP COTTON CLASSIFICATION SERVICES (CN-02-006)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 473a

**CFR Citation:** 7 CFR 28

**Legal Deadline:** Final, Statutory, June 1, 2003.

**Abstract:** This action would increase the user fees for cotton producers for the 2003 crop cotton classification services under the Cotton Statistics and Estimates Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**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

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Email: norma.mcdill@usda.gov

RIN: 0581-AC17

**181. • PACA: COATING OR BATTERING FRUITS AND VEGETABLES DOES NOT ALTER THEIR CHARACTER (FV-02-369)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 499o

**CFR Citation:** 7 CFR 46

**Legal Deadline:** None

**Abstract:** On June 21, 2002, the Frozen Potato Products Institute petitioned the Agricultural Marketing Service to amend the definition of "fresh fruits and fresh vegetables" under the

Perishable Agricultural Commodities Act. We have been asked to clarify our policy that coating, battering, or otherwise treating fruits and vegetables to maintain taste, color, and/or texture prior to or after cooking does not alter their character.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James R. Frazier, Chief, PACA Branch, Department of Agriculture, Agricultural Marketing Service, F&V, P.O. Box 96456, Washington, DC 20099-6546

Phone: 202 720-4180

Email: james\_r\_frazier@usda.gov

RIN: 0581-AC21

**182. • PLANT VARIETY PROTECTION SERVICES (ST-02-02)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2321; 7 USC 2401

**CFR Citation:** 7 CFR 97

**Legal Deadline:** None

**Abstract:** The action would establish a new fee schedule covering various administrative services that stakeholders are not currently charged for by the Plant Variety Protection (PVP) Office. PVP, as provided by the Agricultural Marketing Service is a voluntary, user-fee service, conducted under the authority of the Plant Variety Protection Act of 1970. The Act requires that reasonable fees be collected from applicants for plant variety protection in order to cover program expenses. Program obligations and administrative costs have increased and user-fees have been falling short of projections. Based on the current level of activity, new service fees will generate approximately \$169,000 of new revenue in fiscal year 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Paul Zankowski, Dr., Commissioner, Plant Variety Protection Office, Department of Agriculture, Agricultural Marketing Service, 10301 Baltimore Blvd., Room 401, National Agricultural Library, Beltsville, MD 20705

Phone: 301 504-5518

RIN: 0581-AC22

**183. • USDA "PRODUCED FROM" GRADEMARK FOR SHELL EGGS (PY-02-007)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1627

**CFR Citation:** 7 CFR 56

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is clarifying requirements for using the USDA "Produced From" grademark for shell eggs. These requirements, in effect since 1998, are causing confusion and need to be clarified to ensure uniform understanding and implementation of the requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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

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RIN: 0581-AC24

**184. • ADMINISTRATIVE REQUIREMENTS FOR VOLUNTARY SHELL EGG, POULTRY, AND RABBIT GRADING (PY-02-003)**

**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 is updating the administrative requirements for Federal voluntary egg,

## USDA—AMS

## Proposed Rule Stage

poultry, and rabbit grading. The regulations, in effect since the 1950s, contain some outdated terms, references, and phrases that need updating to make them current and clear.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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,

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**RIN:** 0581-AC25
**Department of Agriculture (USDA)  
Agricultural Marketing Service (AMS)**

## Final Rule Stage

**185. HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-705)****Priority:** Routine and Frequent**Legal Authority:** 7 USC 7801 to 7813**CFR Citation:** 7 CFR 1219**Legal Deadline:** None

**Abstract:** Under the Hass Avocado Promotion, Research, and Information Order, an industry board appointed by the Secretary of Agriculture will conduct a program of promotion, research, and information in order to increase consumption of fresh Hass avocados in the United States. Domestic producers and importers will pay an assessment of 2.5 cents per pound on the fresh Hass avocados they produce and import, respectively, to fund the program. The board will be supervised by USDA and pay a user fee to USDA to cover the cost of USDA oversight.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/01	66 FR 36869
NPRM Comment Period End	08/27/01	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Margaret B. Irby, Assistant Branch Chief, Department of Agriculture, Agricultural Marketing Service, Stop 0244, Fruit & Vegetable Programs, 14th & Independence Avenue SW, Washington, DC 20250-0244  
Phone: 202 720-9915  
Fax: 202 205-2800  
Email: margaret.irby@usda.gov

**RIN:** 0581-AB92**186. 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:** Under the Mango Promotion, Research, and Information Order (Order), an industry board appointed by the Secretary of Agriculture will conduct a program of promotion, research, and information in order to increase consumption of mangos in the United States. Domestic handlers and importers will pay an assessment of one half cent per pound on the mangos they handle and import, respectively, to fund the program. The board will be supervised by USDA and pay a user fee to USDA to cover the cost of USDA oversight.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/02	67 FR 54920
NPRM Comment Period End	10/25/02	
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Margaret B. Irby, Assistant Branch Chief, Department of Agriculture, Agricultural Marketing Service, Stop 0244, Fruit & Vegetable Programs, 14th & Independence Avenue SW, Washington, DC 20250-0244  
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Fax: 202 205-2800  
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**RIN:** 0581-AC05**187. • FLUE-CURED TOBACCO ADVISORY COMMITTEE: AMENDMENT TO REGULATIONS (TB-02-14)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC (App.)  
Departmental Regulation 1042-52**CFR Citation:** 7 CFR 29**Legal Deadline:** None

**Abstract:** This action amends the Flue-cured Tobacco Advisory Committee regulations by removing the sections that reference composition and representation on the Committee. Removal of these regulations will eliminate lengthy rulemaking procedures and will allow the Committee to react more quickly to new marketing changes or shifts in the industry to maintain an orderly marketing system.

**Timetable:**

Action	Date	FR Cite
Final Action (Direct Final)	11/00/02	

**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-AC11

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## Final Rule Stage

**188. • QUALITY SYSTEMS VERIFICATION PROGRAM (LS-02-10)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621**CFR Citation:** 7 CFR 62**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is moving the responsibility for the administration of the Quality Systems Certification program from the Livestock and Seed Program's Meat Grading and Certification Branch, to the Audit, Review, and Compliance Branch; establishing a new user-fee schedule for the program; expanding the scope of the program to include all agricultural commodities; and changing the name of the program to the Quality Systems Verification Program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	

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

**Agency Contact:** James L. Riva, Chief, Audit, Review, and Compliance Branch, Department of Agriculture, Agricultural Marketing Service, STOP 0252, Room 2627-South, USDA, AMS, LS, ARC Branch, 1400 Independence Avenue SW, Washington, DC 20250-2052

Phone: 202 720-1124

Fax: 202 690-3428

Email: james.riva@usda.gov

**RIN:** 0581-AC12**189. • NATIONAL ORGANIC PROGRAM, AMENDMENT TO THE NATIONAL LIST OF ALLOWED AND PROHIBITED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6501 through 6522**CFR Citation:** 7 CFR 205**Legal Deadline:** None

**Abstract:** This action would add substances to the National List of Allowed and Prohibited Substances recommended by the National Organic Standards Board.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	

**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:** Richard H. Mathews, Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: richard.mathews@usda.gov

**RIN:** 0581-AC19**190. • TOBACCO INSPECTION: MANDATORY GRADING (TB-02-11)****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

**Legal Authority:** Section 759 of the Agriculture, Rural Development, Food and Drug Administration; and Related Agencies Appropriations Act for 2002 (Pub. L. 107-76)

**CFR Citation:** 7 CFR 29**Legal Deadline:** None

**Abstract:** This rule will administer mandatory grading for kinds of tobacco approved by a majority of producers voting in referenda required under section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for 2002 (Pub. L. 107-76) (Appropriations Act). The amended regulation will provide mandatory grading for these types of tobacco as places other than designated tobacco auction markets. The amended regulations will include non-auction tobacco sold at locations (receiving stations) where tobacco is offered for marketing or shipment into commerce. The fees for providing this service would be established in the same manner as user fees for grading of tobacco sold at auction authorized under the Tobacco Inspection Act. The amended regulations must be made effective by June 1, 2002, at the beginning of the tobacco marketing season to fulfill the requirements of the statute to implement mandatory grading.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/23/02	67 FR 36079
Interim Final Rule Effective	05/24/02	
Interim Final Rule Comment Period End	07/22/02	
Final Action	11/00/02	

**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  
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Email: john.duncan3@usda.gov

**RIN:** 0581-AC20**191. • ESTABLISHMENT OF MINIMUM QUALITY AND HANDLING STANDARDS FOR DOMESTIC AND IMPORTED PEANUTS MARKETED IN THE U.S. AND TERMINATION OF THE PEANUT MARKETING AGREEMENT AND ASSOCIATED RULES AND REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 996; 7 CFR 997; 7 CFR 998; 7 CFR 999**Legal Deadline:** None

**Abstract:** Under this rule, mandated by the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171), a new part 996 is established which requires that all domestic and imported peanuts marketed in the U.S. be officially inspected. This rule also establishes handling standards that handlers and importers must follow and edible standards that all such peanuts intended for edible use must meet prior to entering human consumption channels. Safeguards to protect against peanut quality concerns are also specified. This rule also terminates Peanut Marketing Agreement No. 146 and its implementing rules and regulations and the companion regulations that apply to imported peanuts and peanuts handled by persons not subject to the Agreement.

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## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Federalism:** Undetermined**Agency Contact:** Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Department of Agriculture,Agricultural Marketing Service, 14th & Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2491  
Email: ronald.cioffi@usda.gov**RIN:** 0581-AC23

## Department of Agriculture (USDA)

## Long-Term Actions

## Agricultural Marketing Service (AMS)

**192. COTTON FUTURES ACT: CHANGING THE DESTINATION OF SPOT MARKETS (CN-01-004)****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 27**Timetable:**

Action	Date	FR Cite
NPRM	07/23/02	67 FR 48050
NPRM Comment Period End	09/23/02	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Norma Randall McDill

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**RIN:** 0581-AC00**193. • VOLUNTARY EGG, POULTRY, AND RABBIT GRADING, INCREASE IN FEES AND CHARGES (PY-02-002)****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 is increasing the fees and charges for Federal voluntary egg, poultry, and rabbit grading to cover 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	07/26/02	67 FR 48816
NPRM Comment Period End	08/26/02	

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,

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**RIN:** 0581-AC10**194. • REMOVAL OF COTTONSEED CHEMIST LICENSING PROGRAM AND FEES (ST-02-03)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1622 through 1624**CFR Citation:** 7 CFR 96**Legal Deadline:** None**Abstract:** The Agricultural Marketing Service (AMS) is removing the Cottonseed Chemist Licensing Program. The AMS budget office performed a budget analysis that indicated that even by economizing at every opportunity, the program will fail to maintain sufficient revenue.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James V. Falk, Scientist, Department of Agriculture,

Agricultural Marketing Service, Room 3521-South, Technical Services Branch,

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**RIN:** 0581-AC18

## Department of Agriculture (USDA)

## Completed Actions

## Agricultural Marketing Service (AMS)

**195. GENERAL SPECIFICATIONS FOR DAIRY PLANTS APPROVED FOR USDA INSPECTION AND GRADING****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 58**Completed:**

Reason	Date	FR Cite
Final Action	07/29/02	67 FR 48971
Final Action Effective	08/28/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Duane R. Spomer

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Email: duane.spomer@usda.gov

**RIN:** 0581-AB59

## USDA—AMS

## Completed Actions

**196. REVISION OF USER FEES FOR 2002 CROP COTTON CLASSIFICATION SERVICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 28**Completed:**

Reason	Date	FR Cite
NPRM	04/19/02	67 FR 19357
Final Action	05/24/02	67 FR 36501
Final Action Effective	07/01/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Norma Randall McDill

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**RIN:** 0581-AC04**197. ESTABLISHING A LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER (LS-01-12)****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 1280**Completed:**

Reason	Date	FR Cite
Final Action	04/11/02	67 FR 17847

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Marlene M. Betts

Phone: 202 720-1111

**RIN:** 0581-AC06**198. • FLUID MILK PROMOTION PROGRAM (DA-02-02)****Priority:** Routine and Frequent**Legal Authority:** 7 USC 6401 et seq**CFR Citation:** 7 CFR 1160**Legal Deadline:** Final, Statutory, August 11, 2002, Final Rule to be implemented at beginning of the month.**Abstract:** Recently enacted Farm Security and Rural Investment of 2002 (2002 Farm Bill) mandated that the Secretary of Agriculture implement certain amendments—within 90-days after passage of the Act (by 8/11/02)—

to amend the Fluid Milk Promotion Act of 1990.

**Timetable:**

Action	Date	FR Cite
Final Action	08/01/02	67 FR 49857

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Jamison, Chief, Promotion and Research Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0233, Dairy Programs, 1400 Independence Avenue SW, Washington, DC 20250-0233

Phone: 202 720-6909

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Email: david.jamison2@usda.gov

**RIN:** 0581-AC14**BILLING CODE** 3410-02-S**Department of Agriculture (USDA)  
Farm Service Agency (FSA)****Proposed Rule Stage****199. 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's (FSA's) 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 Service. 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	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AF60**200. • PRODUCER DISQUALIFICATION FOR CROP INSURANCE FRAUD****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-224**CFR Citation:** 7 CFR 1405**Legal Deadline:** None**Abstract:** This rule implements the provisions of the Agricultural Risk Protection Act of 2000 (ARPA) that provide for producer disqualification for crop insurance fraud. In case of a violation committed by a producer, the producer may be disqualified for a period of up to 5 years from receiving any monetary or non-monetary benefits under ARPA, the Agricultural Market Transition Act, the Agricultural Act of 1949, the Commodity Credit Corporation Charter Act, the Agricultural Adjustment Act of 1938, title XII of the Food Security Act of 1985, the Consolidated Farm and Rural Development Act of 1938, or any law that provides assistance affected by a crop loss or falling prices. The Secretary has discretion to consider the severity of a violation in determining

## USDA—FSA

## Proposed Rule Stage

whether to impose a sanction and the amount of the sanction.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/02	67 FR 57759
NPRM Comment Period End	11/12/02	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** 111 Crop Production

**Agency Contact:** Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-8104  
Fax: 202 720-5233  
Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560–AG70

**201. • 2002 FARM BILL REGULATIONS—LOAN ELIGIBILITY WITH PRIOR DEBT FORGIVENESS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1941

**Legal Deadline:** None

**Abstract:** This action will seek to clarify language needed to implement the 2002 Farm Bill provisions relating to borrowers who received debt forgiveness and a change in the eligibility requirements for direct farm ownership loans: (1) The legislation provides that borrowers who received debt forgiveness may also be eligible for new direct or guaranteed operating loans if forgiveness resulted from a declared major emergency or natural disaster. However, besides areas designated as natural disasters, low-interest emergency loans are also available in areas under plant or animal quarantines. This rule will obtain public comments on the types of emergencies or natural disasters to be considered eligible. (2) The legislation changes an eligibility requirement for

direct farm ownership loans from persons who “operated” a farm to persons who “participated in the operation of” a farm. This rule will obtain public comments on the meaning of the new term. The expected cost is minimal.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560–AG81

## Department of Agriculture (USDA)

## Final Rule Stage

## Farm Service Agency (FSA)

**202. • 2002 FARM BILL REGULATIONS—CONSERVATION RESERVE PROGRAM**

**Priority:** Economically Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 701; 7 CFR 1410

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to the Conservation Reserve Program (CRP). The legislation re-authorized the CRP through 2007. Major changes include increasing the acreage cap to 39.2 million acres, allowing for managed haying and grazing, expanding the Farmable Wetlands Pilot Program to all States, and redefining eligible land to include a fixed cropping history requirement four out of the prior 6 years. Increased spending of \$1.5 billion over 10 years is expected.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560–AG74

**203. • 2002 FARM BILL REGULATIONS—GENERAL CREDIT PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 762; 7 CFR 764; 7 CFR 774; 7 CFR 1924; 7 CFR 1943; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956; 7 CFR 1962; 7 CFR 1065

**Legal Deadline:** None

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to farm credit as follows: Eligibility time limits on Farm Service Agency (FSA) direct and guaranteed farm operating loans can be waived for a period of time and more farmers can qualify for FSA emergency loan financing; interest-rate assistance on guaranteed operating loans is made permanent; and annual authorized loan amounts increase. Beginning farmer and rancher programs are enhanced. Lending procedures are streamlined, including raising the threshold for which lenders can submit reduced documentation on loan guarantee applications. No significant changes in expenditures are expected.

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## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Mr. Tom Witzig,  
Chief, Regulatory Review and Foreign  
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RIN: 0560-AG78

## Department of Agriculture (USDA)

## Long-Term Actions

## Farm Service Agency (FSA)

**204. 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	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Tom Witzig

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RIN: 0560-AE50

**205. 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

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RIN: 0560-AE54

**206. 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

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RIN: 0560-AF22

**207. AMENDMENTS TO THE CONSERVATION RESERVE PROGRAM REGULATIONS REGARDING LAND ELIGIBILITY**

Priority: Other Significant

CFR Citation: 7 CFR 1410

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/01	66 FR 63339
NPRM Comment	02/04/02	
Period End		
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Tom Witzig

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RIN: 0560-AF77

**208. EMERGENCY CONSERVATION PROGRAM**

Priority: Other Significant

CFR Citation: 7 CFR 701

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/02	67 FR 49879
NPRM Comment	09/30/02	
Period End		
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Tom Witzig

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RIN: 0560-AG26

**209. INTEREST ASSISTANCE PROGRAM**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 762

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Tom Witzig

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RIN: 0560-AG46

**210. OCEAN FREIGHT CLAIMS ADMINISTRATIVE APPEAL PROCESS**

Priority: Substantive, Nonsignificant

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

## USDA—FSA

## Long-Term Actions

**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  
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**RIN:** 0560-AG49

**211. ELIMINATION OF 30-DAY PAST-DUE PERIOD FOR FARM LOAN PROGRAM BORROWERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1951

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG50

**212. TOBACCO MARKETING QUOTAS, CARDS, PENALTY PROVISIONS, RECORDKEEPING AND REPORTING**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 723

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG52

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 762

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG53

**214. AMENDMENT TO THE REGULATIONS FOR DETERMINING ACREAGE FOR SKIP-ROW COTTON**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 718.107

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG55

**215. PROMPT DISASTER SET-ASIDE CONSIDERATION AND PRIMARY LOAN SERVICING**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1951

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/02	67 FR 41869
NPRM Comment Period End	08/19/02	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG56

**216. 2002-CROP MARKETING QUOTAS 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
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG58

**217. 2002-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

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG59

**218. 2002-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 Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

## USDA—FSA

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560—AG60

### 219. SERVICING MINOR FARM LOAN PROGRAM LOANS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 772; 7 CFR 1901-E; 7 CFR 1942-A; 7 CFR 1951-E and F; 7 CFR 1956-C

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560—AG67

### 220. • 2002 FARM BILL REGULATIONS—DIRECT AND COUNTER-CYCLICAL PAYMENTS

**Priority:** Economically Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1412

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to direct and counter-cyclical payments for commodities, including peanuts, and for white winter wheat incentive payments. Specific provisions are as follows: Establishment of base acres and payment acres for a farm; Establishment of payment yield; Availability of direct payments; Availability of counter-cyclical payments; Relation to remaining payment authority under production flexibility contracts; Establishment of payment yield and base acres for peanuts for a farm; Availability of direct payments for peanuts; Availability of counter-cyclical payments for peanuts; Producer agreement required as condition on provision of direct payments and

counter-cyclical payments; Planting flexibility; Administration generally; Availability of incentive payments for certain producers. (See the attached sheets for detailed information.)

**Expected Cost:** Total outlays, exclusive of the peanut quota buyout are expected to be about \$10.9 billion per year. The peanut quota buyout is expected to cost about \$1.3 billion total for the years 2003 - 2006.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560—AG71

### 221. • 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1439

**Legal Deadline:** None

**Abstract:** The Secretary may provide assistance to dairy and other livestock producers to cover economic losses incurred by such producers in connection with the production of livestock. The assistance may be: (1) Indemnity payments to livestock producers who incur livestock mortality losses; (2) Livestock feed assistance to livestock producers affected by shortages of feed; (3) Compensation for sudden increases in production costs; and (4) Such other assistance, and for such other economic losses, as the Secretary considers appropriate. The legislation provides that funding will be appropriated "as may be necessary to carry out" the program. For comparison, outlays in FY 2001 for the Livestock Assistance,

Pasture Recovery, American Indian Livestock Feed and Livestock Indemnity Programs totaled \$480 million.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560—AG76

### 222. • 2002 FARM BILL REGULATIONS—ACREAGE REPORTING AND COMMON PROVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 718

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to 1) acreage reports, which the Secretary shall require producers on a farm to submit as a condition on the receipt of direct or counter-cyclical payments or marketing assistance loans or loan deficiency payments, to the Secretary annual acreage reports; 2) producer agreements to be in compliance with conservation and other requirements in order to be eligible for direct and counter-cyclical payments; 3) transfers or changes of interest in a farm; 4) sharing of payments; and 5) for the 2002 crop only, special farm reconstitutions, in lieu of lease and transfer of allotments and quotas for flue-cured tobacco. Costs will be minimal.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## USDA—FSA

## Long-Term Actions

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AG79

### 223. • 2002 FARM BILL REGULATIONS—EQUITABLE RELIEF

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 718

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to equitable relief, by which the Secretary may provide relief to any participant that is determined not to be in compliance with the requirements of a covered program, and therefore ineligible for a loan, payment, or other benefit under the covered program, if the participant (1) acting in good faith, relied on the action or advice of the Secretary (including any authorized representative of the Secretary) to the detriment of the participant; or (2) failed to comply fully with the requirements of the covered program, but made a good faith effort to comply with the requirements. The Secretary may authorize a participant in a covered program to (1) retain loans, payments, or other benefits received under the covered program; (2) continue to receive loans, payments, and other benefits under the covered program; (3) continue to participate, in whole or in part, under any contract executed under the covered program; (4) in the case of a conservation program, re-enroll all or part of the land covered by the program; and (5) receive such other equitable relief as the Secretary determines to be appropriate. Cost is expected to be minimal due to low incidence of cases and low dollar amounts of relief.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

### Regulatory Flexibility Analysis Required:

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AG80

### 224. • 2002 FARM BILL REGULATIONS—TREE ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 783

**Legal Deadline:** None

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to assistance to orchardists who lost trees as a result of a natural disaster. "Natural disaster" means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, and other occurrence, as determined by the Secretary. Eligible "trees" include trees, bushes, and vines. Eligible losses will be those losses in excess of 15 percent mortality. Reimbursement will be 75 percent of the cost of re-planting the eligible loss, or at the Secretary's option, sufficient seedlings to replant the stand. Total assistance is limited to \$75,000 per person or equivalent value in seedlings, and the total acreage a person can receive payments on is 5,000 acres. There are authorized to be appropriated such sums as are necessary to carry out the program. In the last TAP program (1998), net outlays were 20.7 million dollars, and were before there were payment limitations.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

### Regulatory Flexibility Analysis Required:

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AG83

### 225. • 2002 FARM BILL REGULATIONS—BIOENERGY PROGRAM

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1424

**Legal Deadline:** None

**Abstract:** This action will implement the 2002 Farm Bill provisions for the Bioenergy Program. The legislation required the continuation of the program and made several changes: 1) Modification of the biodiesel definition, 2) expansion of the list of eligible commodities, including some grasses, fats, oils and greases and animal by-products, and 3) allowing producers to enter into multi-year contracts for program payments. The legislation authorizes up to \$150 million per fiscal year through FY 2006. \$0 is specifically provided for 2007.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/02	67 FR 61565
NPRM Comment Period End	10/31/02	
Final Action	To Be	Determined

### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG84

## USDA—FSA

## Long-Term Actions

**226. • 2002 FARM BILL REGULATIONS—INCOME LIMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 1400**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to gross income limitations for direct and counter-cyclical payments and marketing loan and loan deficiency payments. The new provisions are effective for 2003 and subsequent crop years. A \$2.5 million limitation will be applied to individuals and entities who derive less than 75 percent of their average adjusted income from farming, ranching, or forestry operations, as determined by the Secretary. These

individuals or entities will be ineligible to receive direct and counter-cyclical payments, marketing loan gains and loan deficiency payments and certain conservation payments. The 2002 Act does not define "individual," but does define an "entity." Under the statute an "entity" is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity (as determined by the Secretary), including any such entity or organization participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar entity (as determined by the Secretary). The gross income limit will result in savings about \$23 million for 2002 to 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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RIN: 0560-AG86

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

## Completed Actions

**227. MEDIATION; AGRICULTURAL LOAN MEDIATION PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1946 subpart A**Completed:**

Reason	Date	FR Cite
Final Action	09/10/02	67 FR 57309

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** State**Agency Contact:** Tom Witzig

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RIN: 0560-AE26

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AG20

**Completed:**

Reason	Date	FR Cite
Final Action	10/23/01	66 FR 53507

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

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RIN: 0560-AG40

**228. 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**Completed:**

Reason	Date	FR Cite
Final Action	03/19/02	67 FR 12446
Interim Final Rule Comment Period End	04/19/02	

**Regulatory Flexibility Analysis Required:** No**229. CONSERVATION OF FARMABLE WETLANDS****Priority:** Other Significant**CFR Citation:** 7 CFR 1410**Completed:**

Reason	Date	FR Cite
Final Action	05/02/01	66 FR 22098

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

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RIN: 0560-AG38

**230. TOBACCO LOSS ASSISTANCE PROGRAM AND AMENDMENTS TO THE TOBACCO MARKETING QUOTA REGULATIONS****Priority:** Other Significant**CFR Citation:** 7 CFR 1464**231. COLLECTING GUARANTEED LOSS PAYMENTS FROM FSA FARM LOAN PROGRAM BORROWERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 762**Completed:**

Reason	Date	FR Cite
Final Action	07/01/02	67 FR 44015

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

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RIN: 0560-AG44

## USDA—FSA

## Completed Actions

**232. IMPLEMENTATION OF THE U.S. WAREHOUSE ACT OF 2000****Priority:** Other Significant**CFR Citation:** 7 CFR 735 to 742**Completed:**

Reason	Date	FR Cite
Final Action	08/05/02	67 FR 50778

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

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**RIN:** 0560-AG45**233. HORSE BREEDER LOANS****Priority:** Other Significant**CFR Citation:** 7 CFR 764 and 775**Completed:**

Reason	Date	FR Cite
Notice	07/05/02	67 FR 44799

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Cathy Quayle

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**RIN:** 0560-AG62**234. APPLE MARKET LOSS PAYMENT PROGRAM II****Priority:** Other Significant**CFR Citation:** 7 CFR 1470**Completed:**

Reason	Date	FR Cite
NPRM	07/19/02	67 FR 47477
Final Action	09/12/02	67 FR 57719

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

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**RIN:** 0560-AG63**235. LIMITATIONS ON AMOUNT OF GUARANTEED FARM OWNERSHIP AND OPERATING LOANS****Priority:** Other Significant**CFR Citation:** 7 CFR 762; 7 CFR 761**Completed:**

Reason	Date	FR Cite
Final Action	06/18/02	67 FR 41311

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Phillip Elder

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**RIN:** 0560-AG64**236. SALE AND PURCHASE OF FLUE-CURED TOBACCO ACROSS COUNTY LINES (FLORIDA AND GEORGIA)****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 723**Completed:**

Reason	Date	FR Cite
Final Action	06/18/02	67 FR 41310

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

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**RIN:** 0560-AG68**237. • BOLL WEEVIL ERADICATION LOAN PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1989**CFR Citation:** 7 CFR 770; 7 CFR 1941**Legal Deadline:** None

**Abstract:** The purpose of the Boll Weevil Eradication Loan Program is to assist producers, through non-profit and state governmental agencies, in the eradication of the boll weevil from cotton producing states. The current regulations allow only private non-profit organizations to be eligible for a loan from FSA. State-run organizations, with the same organizational and operating staff, boards, goals, and purpose, are currently not authorized to take part in program benefits. Also, eligible applicants must currently document that they are unable to get a loan elsewhere.

This action will make three changes to the regulations. First, State Agencies dedicated to the elimination of the boll weevil and recognized by APHIS will

be eligible to secure loan funds through FSA's Boll Weevil Eradication Loan Program. Secondly, eligible applicants will not need to document that they are unable to get a loan elsewhere. And finally, the rule will be moved from 7 CFR 1941, subpart C, to 7 CFR 770.

**Timetable:**

Action	Date	FR Cite
Final Action	06/24/02	67 FR 59770

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** 11192 Cotton Farming

**Agency Contact:** Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250

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**RIN:** 0560-AG69**238. • 2002 FARM BILL REGULATIONS—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS; MILK PRICE SUPPORT AND DAIRY MARKET LOSS; APPLE MARKET LOSS****Priority:** Economically Significant**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 1421; 7 CFR 1425; 7 CFR 1427; 7 CFR 1430; 7 CFR 1434**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to commodity loans and loan deficiency payments, including peanuts, and the Milk Price Support Program. Specific provisions are as follows: Loan rates for nonrecourse marketing assistance loans; Term of loans; Repayment of loans; Loan deficiency payments; Payments in lieu of loan deficiency payments for grazed acreage; Special marketing loan provisions for upland cotton; Special competitive provisions for extra long staple cotton; Availability of recourse loans for high moisture feed grains and seed cotton; Marketing assistance loans and loan deficiency payments for peanuts; Milk Price Support Program; National dairy market loss payments;

## USDA—FSA

## Completed Actions

Dairy export incentive and dairy indemnity programs; Adjustments of loans; Personal liability of producers for deficiencies; Extension of existing administrative authority regarding loans; Market loss assistance for apple producers. Total outlays are expected to be about \$6.2 billion per year.

**Timetable:**

Action	Date	FR Cite
Final Action--7 CFR 1421	10/11/02	67 FR 63506
Final Action Effective--7 CFR 1421	10/08/02	
Final Action--7 CFR 1425, 1427, 1430, and 1434	10/18/02	67 FR 64454
Final Action Effective--7 CFR 1425, 1427, 1430, and 1434	10/15/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG72

### 239. • 2002 FARM BILL REGULATIONS—SUGAR PROGRAM

**Priority:** Economically Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1435; 7 CFR 1436

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to the Sugar Program, which is re-authorized through FY 2007. The legislation terminates marketing assessments; makes in-process sugars eligible for loans; reinstates the “no-cost” provision; grants CCC authority to establish a payment-in-kind program; caps the minimum payment requirement for sugar beet growers; eliminates the forfeiture penalty; provides for storage facility loans; and establishes flexible marketing allotments. A cost savings of \$245 million is expected for 2002, and

average outlays of \$78 million for 2003 to 2006.

**Timetable:**

Action	Date	FR Cite
Final Action	08/26/02	67 FR 54926

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AG73

### 240. • 2002 FARM BILL REGULATIONS—TERMINATION OF PEANUT MARKET QUOTA PROGRAM AND REVISED FLUE-CURED TOBACCO RESERVE STOCK LEVEL

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 723; 7 CFR 727

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to the termination of the peanut market quota program and the change in the flue-cured tobacco reserve stock level. It will also repeal superseded price support authority. No cost is expected.

**Timetable:**

Action	Date	FR Cite
Final Action	10/09/02	67 FR 62871

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AG75

### 241. • 2002 FARM BILL REGULATIONS—PAYMENT LIMITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1400

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This action will implement the 2002 Farm Bill provisions relating to payment limitations for direct and counter-cyclical payments and marketing loan and loan deficiency payments. The payment limitations per “person” are as follows: \$40,000 for direct payments, \$65,000 for counter-cyclical payments and \$75,000 for loan deficiency payments and marketing loan gains, for a total amount of \$180,000. In addition, the three-entity rule allows receipt of direct and indirect payments through no more than three entities. If an individual receives \$180,000 as an individual and also holds 50 percent in two corporations not combined as one “person,” the total amount received directly and indirectly would be \$360,000. The payment limitation will result in savings of \$97 million for 2002 to 2006.

**Timetable:**

Action	Date	FR Cite
Final Action	10/01/02	67 FR 61468

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AG77

### 242. • 2002 FARM BILL REGULATIONS—SEA GRASS AND SEA OATS ELIGIBILITY FOR THE NON-INSURED DISASTER ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1437

**Legal Deadline:** None

## USDA—FSA

## Completed Actions

**Abstract:** This action will implement the 2002 Farm Bill provision making oats and sea grass eligible for the Non-Insured Disaster Assistance Program (NAP). Previously, NAP assistance was only available for crops grown for agricultural production or ornamental uses. It was not available for crops grown for conservation purposes. Sea oats, although used for conservation purposes, also had been used for ornamental purposes and was determined to be eligible by CCC. Sea grass was only used for conservation purposes and was not eligible. Expected cost is minimal, due to few participants.

**Timetable:**

Action	Date	FR Cite
Final Action	10/07/02	67 FR 62323

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572  
Phone: 202 205-5851  
Fax: 202 720-5233  
Email: tom\_witzig@wdc.fsa.usda.gov  
**RIN:** 0560-AG82

**243. • 2002 FARM BILL REGULATIONS—APPLE MARKET LOSS ASSISTANCE PAYMENT PROGRAM III**

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1470

**Legal Deadline:** Final, Statutory, August 10, 2002.

**Abstract:** This final rule implements the Apple Market Loss Assistance Payment Program III. The program will

provide direct payments to apple producers to provide relief due to the low prices received for their 2000 crop.

**Timetable:**

Action	Date	FR Cite
Final Action	10/11/02	67 FR 63242

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572  
Phone: 202 205-5851  
Fax: 202 720-5233  
Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AG85

**BILLING CODE** 3410-05-S

## Department of Agriculture (USDA)

## Prerule Stage

## Animal and Plant Health Inspection Service (APHIS)

**244. POTENTIAL PATHWAYS FOR THE SPREAD OF BOVINE SPONGIFORM ENCEPHALOPATHY IN U.S. LIVESTOCK**

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are soliciting public comment to help us develop approaches to control risks that dead stock and nonambulatory animals could serve as potential pathways for the spread of bovine spongiform

encephalopathy, if that disease should ever be introduced into the United States. We are also seeking comments on the role of rendering in dead stock disposal. We are publishing this notice to collect information that could help us address animal disease risks associated with nonambulatory animals and dead stock.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/02	
ANPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Lisa Ferguson, Senior Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 41, Emergency Programs, VS, 4700 River Road, Riverdale, MD 20737-1237  
Phone: 301 734-8073

**RIN:** 0579-AB43

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**245. IMPORTATION OF FUJI VARIETY APPLES FROM THE REPUBLIC OF KOREA**

**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

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/00	65 FR 24423
NPRM Comment Period End	06/26/00	
NPRM Comment Period Extended	08/22/00	65 FR 50937

## USDA—APHIS

## Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/23/00	
Notice of Availability and Request for Comments; Pest Risk Assessment	11/00/02	
Comment Period End	01/00/03	

**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

#### 246. BLOOD AND TISSUE COLLECTION AT LIVESTOCK SLAUGHTERING ESTABLISHMENTS

**Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8316**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
NPRM	11/00/02	

**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

#### 247. 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:** This rule provides 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 publishing a proposed rule to address plum pox compensation issues that have arisen since the close of the interim rule's comment period.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/14/00	65 FR 55431
Interim Final Rule Comment Period End	11/13/00	
NPRM	02/00/03	

**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

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 166; 7 USC 281; 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 to 136a

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

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

In addition, the rule would 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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/19/02	67 FR 53844
NPRM Comment Period End	11/18/02	
Final Action	To Be Determined	

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

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## Proposed Rule Stage

**Agency Contact:** Dr. Wayne Wehling, 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

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5542; 7 USC 1622; 7 USC 8301 to 8316; 21 USC 136 to 136a; 31 USC 3716 to 3717; 31 USC 3719; 31 USC 3720A; 31 USC 9701

**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
NPRM	02/00/03	

**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

#### 250. 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; 7 USC 8301 to 8316; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 71; 9 CFR 82; 9 CFR 94

**Legal Deadline:** None

**Abstract:** This rule would 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 action would eliminate restrictions on the importation of eggs from regions where Salmonella enteritidis phage-type 4 exists. This rule would also remove our domestic regulations regarding poultry disease caused by Salmonella enteritidis serotype enteritidis. These regulations are no longer enforced.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**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

#### 251. CHRONIC WASTING DISEASE IN ELK AND DEER; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY

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

**RIN:** 0579-AB35

#### 252. IMPORTATION OF MILK AND MILK PRODUCTS FROM FMD COUNTRIES

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 7 USC 8303; 7 USC 8306; 7 USC 8308; 7 USC 8310 to 8311; 7 USC 8315; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 94

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations regarding the importation of animal products to establish additional processing and handling requirements for milk and milk products imported from regions in which foot-and-mouth disease exists. Additionally, it would require that those materials, when imported from regions in which foot-and-mouth disease exists, be accompanied by government certification regarding the production, processing, and handling of the materials. We believe these actions are necessary to ensure that materials containing the foot-and-mouth disease virus are not imported into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Karen A. James-Preston, Assistant Director, Technical Trade Services Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-8364

**RIN:** 0579-AB38

#### 253. • IMPORTATION OF SOLID WOOD PACKING MATERIAL; ADOPTION OF INTERNATIONAL STANDARDS

**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

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the regulations for the importation of unmanufactured wood articles to adopt an international standard entitled "Guidelines for Regulating Wood Packaging Material in International Trade" that was approved by the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention on March 15, 2002. The standard calls for wood packaging

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material to be either heat treated or fumigated with methyl bromide, in accordance with the Guidelines, and marked with an approved international mark certifying treatment. We propose to adopt the IPPC Guidelines because recent analyses of pest interceptions at ports show an increase in pests associated with certain wood packaging material. This increase in pests was found in wood packaging material that does not meet the IPPC Guidelines' (e.g., wood packaging material from everywhere except China, which must

already be treated due to past pest interceptions). There has been a decrease in pests associated with wood packaging material from China, however, since we began requiring that material be treated prior to importation. This change would affect all persons using wood packaging material in connection with importing goods into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

Undetermined

**Agency Contact:** Raymond Nosbaum, Senior Regulatory Coordinator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 131, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-6280

**RIN:** 0579-AB48

## Department of Agriculture (USDA)

## Final Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**254. 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 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
NPRM	08/04/00	65 FR 47908
NPRM Comment Period End	10/03/00	
NPRM Comment Period Reopened and Extended	10/19/00	65 FR 62650
NPRM Comment Period End	11/20/00	
Final Action	02/00/03	

**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**255. PHYTOSANITARY TREATMENT BY IRRADIATION OF IMPORTED FRESH 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 305; 7 CFR 319**Legal Deadline:** None

**Abstract:** This rulemaking would establish irradiation as a new treatment alternative for the importation of certain fresh fruits and vegetables. Irradiation 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
NPRM	05/26/00	65 FR 34113
NPRM Comment Period End	07/25/00	
Supplemental NPRM	03/15/02	67 FR 11610
Supplemental NPRM Comment Period End	04/15/02	
Final Action	11/00/02	

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

**Agency Contact:** Dr. Inder Paul Gadh, Import Specialist, Phytosanitary Issues Management Team, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236

Phone: 301 734-5210

**RIN:** 0579-AA97**256. 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 7754; 21 USC 136 to 136a**CFR Citation:** 7 CFR 319**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
NPRM	06/11/99	64 FR 31512

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Action	Date	FR Cite
NPRM Comment Period End	08/10/99	
Final Action	01/00/03	

**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-AB02**257. ESTABLISHMENT OF REGIONS IN THE EUROPEAN UNION FOR CLASSICAL SWINE FEVER, FOOT-AND-MOUTH DISEASE, AND SWINE VESICULAR DISEASE****Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 7 USC 8301 to 8316; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 92; 9 CFR 94; 9 CFR 98

**Legal Deadline:** None

**Abstract:** This action would recognize certain regions in the European Union as regions where classical swine fever is not known to exist and from which live swine, swine semen, and pork and pork products may be imported into the United States under certain conditions. Additionally, it would recognize Greece as free of swine vesicular disease and recognize eight regions in Italy as free of swine vesicular disease.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/99	64 FR 34155
NPRM Comment Period End	08/24/99	
Notice of Availability of a Risk Assessment	05/03/02	67 FR 22388
Comment Period End	07/17/02	
Final Action	03/00/03	

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

**Agency Contact:** Dr. S. Anne Goodman, Supervisory Staff Officer, Regionalization Evaluation Services, NCIE, VS, Department of Agriculture,

Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-4929

**RIN:** 0579-AB03**258. 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

**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	12/28/01	66 FR 67123
NPRM Comment Period End	02/26/02	
Final Action	12/00/02	

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

**Agency Contact:** William Thomas, 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**259. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY**

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

**RIN:** 0579-AB34**260. INFECTIOUS SALMON ANEMIA; PAYMENT OF INDEMNITY****Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** 9 CFR 53**Legal Deadline:** None

**Abstract:** This rule amended the regulations regarding the control and eradication of certain communicable diseases of livestock or poultry to provide for the payment of indemnity to producers in the State of Maine for fish destroyed due to infectious salmon anemia. Because depopulation is necessary to control infectious salmon anemia, a successful control program will provide for indemnification of depopulated fish to gain producer support. This action will, therefore, increase the effectiveness of our efforts to control infectious salmon anemia in Maine and prevent further outbreaks of the disease.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/11/02	67 FR 17605
Interim Final Rule Comment Period End	06/10/02	
Affirmation of Interim Final Rule	01/00/03	

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

**Agency Contact:** Dr. Otis Miller Jr., National Aquaculture Coordinator, NAHP, Veterinary Services, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 36, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-8715

**RIN:** 0579-AB37**261. ANIMAL WELFARE; POLICY ON TRAINING AND HANDLING OF POTENTIALLY DANGEROUS ANIMALS****Priority:** Other Significant

**Legal Authority:** 7 USC 2131 to 2159

**CFR Citation:** 9 CFR 3

**Legal Deadline:** None

**Abstract:** APHIS's Animal Welfare Act regulations require exhibitors and other regulated entities that handle potentially dangerous animals to provide a sufficient number of adequately trained personnel to handle and care for the animals and to provide adequate protection from risk for the general public when animals are exhibited.

APHIS is preparing a final policy statement to provide guidance to

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exhibitors and other regulated entities for the training and handling of potentially dangerous animals, adequate experience and training of trainers, handlers, and attendants, and points to consider when developing emergency contingency plans. The final policy statement addresses the comments received in response to our draft policy statement.

**Timetable:**

Action	Date	FR Cite
Draft Policy Statement	02/18/00	65 FR 8318
Comment Period End	04/18/00	
Final Policy Statement	12/00/02	

**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

**Related RIN:** Previously reported as 0579-AB12

**RIN:** 0579-AB39

### 262. ADDITIONAL RESTRICTIONS ON THE IMPORTATION OF CERTAIN RUMINANT MEAT, MEAT PRODUCTS, AND EDIBLE PRODUCTS OTHER THAN MEAT FROM BSE REGIONS

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** 9 CFR 94; 9 CFR 96

**Legal Deadline:** None

**Abstract:** We are amending the regulations governing the importation into the United States of meat and meat products from ruminants and other ruminant products to restrict the importation of meat and meat products from ruminants and certain other ruminant products that were processed or stored in regions where bovine spongiform encephalopathy exists or regions considered to present an undue risk of introducing bovine spongiform encephalopathy into the United States. This action is necessary to ensure that materials containing the bovine

spongiform encephalopathy agent are not imported into the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/03	
Interim Final Rule	04/00/03	
Comment Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**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-AB41

### 263. BRUCellosIS IN SHEEP, GOATS, AND HORSES; PAYMENT OF INDEMNITY (SECTION 610 REVIEW)

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** 9 CFR 51

**Legal Deadline:** None

**Abstract:** We are proposing to amend the brucellosis indemnity regulations to allow us to pay indemnity for sheep, goats, and horses destroyed because of brucellosis. This action would make it easier to eliminate affected herds/flocks and infected animals as sources of infection by encouraging herd and flock owners to cooperate with our brucellosis eradication program. This action is intended to help reduce the incidence of brucellosis and the likelihood of it spreading within the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/01	66 FR 47593
NPRM Comment Period End	11/13/01	
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Valerie Ragan, 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: 301 734-7708

**RIN:** 0579-AB42

### 264. • LOW PATHOGENIC AVIAN INFLUENZA; PAYMENT OF INDEMNITY

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** 9 CFR 53

**Legal Deadline:** None

**Abstract:** We are amending our general indemnity regulations to allow the Department to pay indemnity to contract growers and owners for poultry destroyed because of low pathogenic avian influenza associated with a disease situation in Virginia. The Department will pay all eligible losses of contract growers and up to 50 percent of eligible losses of owners, minus any amount paid to the contract grower of a flock.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Dr. Cheryl Hall, Staff Veterinarian, Planning, Certification, and Monitoring Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 46, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-4924

**RIN:** 0579-AB46

### 265. • BIOLOGICAL AGENTS AND TOXINS

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

**RIN:** 0579-AB47

**Department of Agriculture (USDA)**  
**Animal and Plant Health Inspection Service (APHIS)**
**Long-Term Actions**
**266. 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	09/07/93	
Period End		
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Roger Perkins

Phone: 301 734-8364

**RIN:** 0579-AA63

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 330

**Timetable:**

Action	Date	FR Cite
ANPRM	09/27/96	61 FR 50767
ANPRM Comment	12/26/96	
Period End		
NPRM	10/09/01	66 FR 51340
NPRM Comment	02/06/02	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Flanders

Phone: 301 734-5930

**RIN:** 0579-AA80

**268. IMPORTATION OF SOLID WOOD PACKING MATERIAL**

**Priority:** Economically Significant.

Major under 5 USC 801.

**CFR Citation:** 7 CFR 319

**Timetable:**

Action	Date	FR Cite
ANPRM	01/20/99	64 FR 3049
ANPRM Comment	03/22/99	
Period End		
Notice	07/07/99	64 FR 36608
Comment Period End	09/07/99	
Notice	10/17/00	65 FR 61301
NPRM	01/00/04	
NPRM Comment	03/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Raymond Nosbaum

Phone: 301 734-6280

**RIN:** 0579-AA99

**269. HORSE PROTECTION; HORSE INDUSTRY ORGANIZATIONS**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 11

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Jodie Kulpa

Phone: 301 734-7833

**RIN:** 0579-AB04

**270. 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	04/16/99	
Comment Period End		
Interim Final Rule	04/18/00	65 FR 20706
Interim Final Rule	06/19/00	
Comment Period End		
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

**271. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 319.56 to 319.56-8

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment	10/29/01	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Wayne D. Burnett

Phone: 301 734-6799

**RIN:** 0579-AB18

**272. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 3

**Timetable:**

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment	07/29/02	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Barbara Kohn

Phone: 301 734-7833

**RIN:** 0579-AB24

**273. IMPORTATION PROHIBITIONS BECAUSE OF BOVINE SPONGIFORM ENCEPHALOPATHY**

**Priority:** Other Significant

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

**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	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Donna L. Malloy

Phone: 301 734-3277

**RIN:** 0579-AB26

USDA—APHIS

Long-Term Actions

**274. ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS; PAYMENT OF INDEMNITY**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/20/02	67 FR 7583
Interim Final Rule Comment Period End	04/22/02	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph Van Tiem

Phone: 301 734-7716

**RIN:** 0579-AB29

**275. DRAFT ACTION PLAN FOR THE NOXIOUS WEEDS PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 360

**Timetable:**

Action	Date	FR Cite
Notice	01/28/02	67 FR 3874
Comment Period End	03/29/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Alan V. Tasker

Phone: 301 734-5225

**RIN:** 0579-AB30

**276. TUBERCULOSIS; INDEMNITY FOR DAIRY CATTLE**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/26/02	67 FR 48745
Interim Final Rule Comment Period End	09/24/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph Van Tiem

Phone: 301 734-7716

**RIN:** 0579-AB36

**277. AMEND REGULATIONS TO HARMONIZE OUR IMPORT REQUIREMENTS WITH PROPOSED NATIONAL TUBERCULOSIS ERADICATION PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 93

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** S. Anne Goodman

Phone: 301 734-4929

**RIN:** 0579-AB44

**278. KARNAL BUNT COMPENSATION**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 301

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561
Interim Final Rule Comment Period End	07/01/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert G. Spaide

Phone: 301 734-7819

**Related RIN:** Related To 0579-AA83

**RIN:** 0579-AB45

Department of Agriculture (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

**279. IMPORTATION OF CLEMENTINES FROM SPAIN**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 300; 7 CFR 319

**Completed:**

Reason	Date	FR Cite
NPRM	07/11/02	67 FR 45922
Final Action Effective	10/15/02	
Final Action	10/21/02	67 FR 64702

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Inder Paul Gadh

Phone: 301 734-5210

**RIN:** 0579-AB40

**BILLING CODE** 3410-34-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

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

**280. • MATCHING REQUIREMENTS FOR FORMULA FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES AT THE 1890 LAND-GRANT INSTITUTIONS AND AT THE 1862 LAND-GRANT INSTITUTIONS IN INSULAR AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 361a et seq; 7 USC 341 et seq; 7 USC 1449**CFR Citation:** 7 CFR 3419**Legal Deadline:** None

**Abstract:** Passage of the Farm Security and Rural Investment Act of 2002, Sections 7212 and 7213, has changed the matching requirements for the 1890 Land-Grant Institutions and the 1862 Land-Grant Institutions in insular areas. Issues regarding the use of matching funds, sources of matching funds, and matching waivers for the Insular 1862 Land-Grant Institutions need to be clarified.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
Final Action	08/00/03	

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

**Agency Contact:** Ellen Danus, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299  
Phone: 202 401-4325  
Fax: 202 401-7752  
Email: edanus@reeusda.gov

**RIN:** 0524-AA25**281. • CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 341 et seq; 7 USC 1444**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Passage of the Farm Security and Rural Investment Act of 2002,

sections 7212 and 7213, has resulted in the need for CSREES to clarify its distribution of funding, matching requirements, carryover provisions, and reporting requirements for Extension programs at 1862 Land-Grant Institutions and 1890 Land-Grant Institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

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

**Agency Contact:** Ellen Danus, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299  
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**RIN:** 0524-AA26**282. • CSREES AGRICULTURAL RESEARCH FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 361a et seq; 7 USC 1445; 7 USC 1622; 16 USC 582a et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Passage of the Farm Security and Rural Investment Act of 2002, sections 7202, 7204, 7212, and 7213, has resulted in the need for CSREES to clarify its distribution of funding, matching requirements, carryover provisions, and reporting requirements for the Hatch Act funds, Hatch Multi-State Research funds, Evans-Allen Program funds, McIntire-Stennis Cooperative Forestry Act funds, and Animal Health and Disease Research funds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

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

**Agency Contact:** Ellen Danus, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299  
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**RIN:** 0524-AA27**283. • CSREES NON-FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 450i; PL 101-624; PL 105-185; PL 104-127; ...**CFR Citation:** 7 CFR 3427; 7 CFR 3400; 7 CFR 3402; 7 CFR 3405; 7 CFR 3406; ...**Legal Deadline:** None

**Abstract:** CSREES plans to propose one administrative provision that contains the elements common to all of the competitive and noncompetitive grant programs it administers. In a relatively short period of time, this will allow the Agency to apply basic rules to grant programs that are currently operating without them, including new non-formula grant programs created by the passage of the Farm Security and Rural Investment Act of 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	

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

**Agency Contact:** Erin Daly, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299  
Phone: 202 401-3319  
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**RIN:** 0524-AA28**BILLING CODE** 3410-09-S

**Department of Agriculture (USDA)**  
**Rural Housing Service (RHS)**
**Proposed Rule Stage**
**284. 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	08/00/03	
NPRM Comment Period End	10/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**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

**285. NATIONAL FLOOD INSURANCE REGULATIONS**
**Priority:** Other Significant

**Legal Authority:** 7 USC 1989; 42 USC 1480; 42 USC 4012a; 42 USC 4104b; 42 USC 4106; 42 USC 4128; PL 91-152; PL 93-234; PL 103-325; ...

**CFR Citation:** 7 CFR 1926, subpart B; 7 CFR 1806, subpart B

**Legal Deadline:** None

**Abstract:** The Agency is rewriting its regulations to conform to the requirements of the National Flood Insurance Reform Act of 1994 (NFIRA).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Baxter Hill, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1499

RIN: 0575-AC07

**286. 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	12/00/02	
NPRM Comment Period End	02/00/03	

**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  
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Email: epjones@rdmail.rural.usda.gov

RIN: 0575-AC12

**287. MULTI-FAMILY HOUSING (MFH)**

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

RIN: 0575-AC13

**288. 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	02/00/03	
NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## USDA—RHS

## Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** William M. Toney, Director, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474

**RIN:** 0575-AC20

### 289. COMMUNITY FACILITIES DIRECT LOAN PROGRAM—CONSOLIDATE, SIMPLIFY, AND UPDATE REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1926

**CFR Citation:** 7 CFR 1942, subpart A; 7 CFR 1942, subpart C

**Legal Deadline:** None

**Abstract:** Community Programs, a division of the Rural Housing Service, is seeking to consolidate, simplify, and update the Agency's regulations used to administer the Community Facilities Direct Loan Program. This effort will produce a user-friendly tool to help constituents and rural communities seeking to develop their essential community facilities for public use. The proposed action will have no financial impact on the public or agency.

#### Timetable:

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph Ben-Israel, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 0183/STOP 0787, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1490  
Email: jbenisra@rdmail.rural.usda.gov

**RIN:** 0575-AC27

### 290. GUARANTEED RURAL RENTAL HOUSING PROGRAM—SECONDARY MORTGAGE MARKET PARTICIPATION

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 3565

**Legal Deadline:** None

**Abstract:** Section 538 of title V of the Housing Act of 1949 authorizes USDA to make commitments to guarantee loans for the development of housing and related facilities. By this authority,

the Rural Housing Service (RHS) administers the Guaranteed Rural Rental Housing Program. The RHS, through consultation with industry and government experts in the loan guarantee field, has identified barriers to the success of the program. In the case of default, regulations will be revised to allow for a timely payment to the investor. In addition, lenders will be allowed to submit a claim for "estimated" losses. The RHS also intends to lower the annual guarantee fee from 50 to 25 basis points.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**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@rurdev.usda.gov

**RIN:** 0575-AC28

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

## Final Rule Stage

### 291. ENVIRONMENTAL PROGRAM

**Priority:** Other Significant

**Legal Authority:** PL 96-510; PL 94-580; PL 94-469; PL 92-500; PL 91-190

**CFR Citation:** 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400; 7 CFR 1940

**Legal Deadline:** None

**Abstract:** The objective of this action is to replace the existing environmental regulation and to implement changes to streamline the environmental process for the Rural Housing Service (RHS) and the Rural Business-Cooperative Service (RBS); to include changes necessitated by amendments to various environmental laws, Executive orders, and regulations applicable to the two agencies; to clarify wording; correct inconsistencies; and where applicable, to delete obsolete material and update references in other program regulations.

This revision represents an important contribution to the Department's efforts to streamline its operations and realize more efficient use of staff time. There are a number of Federal environmental statutes which govern the management of hazardous substances, materials, and wastes. At the present time, RHS and RBS do not have implementing regulations for these Federal statutes. The development of implementation procedures for managing hazardous substances is necessary to insure consistency in compliance with Federal, as well as State, environmental statutes; to develop appropriate "due diligence" policies to ensure that the market value of real estate being considered as security for financial assistance adequately reflects potential contamination from hazardous waste; and to minimize the Agencies' liability with regard to environmental cleanups

of hazardous waste in loan processing/servicing and property management activities.

#### Timetable:

Action	Date	FR Cite
NPRM	09/14/00	65 FR 55784
NPRM Comment Period End	11/13/00	
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Susan Wieferich, Senior Environmental Protection Specialist, Program Support Staff, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250

## USDA—RHS

## Final Rule Stage

Phone: 202 720-9647

RIN: 0575-AB98

**292. 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 the 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	12/00/02	

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

**Agency Contact:** William M. Toney, Director, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474

RIN: 0575-AB99

**293. GUARANTEED SINGLE-FAMILY HOUSING****Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**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
NPRM Comment Period End	02/14/00	
Final Action	08/00/03	

**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

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Email:

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RIN: 0575-AC18

**294. 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	12/00/02	

**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

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RIN: 0575-AC24

**295. 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.

## USDA—RHS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/01	66 FR 29739
NPRM Comment Period End	07/31/01	
Final Action	12/00/02	

**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, 1400Independence Avenue SW,  
Washington, DC 20250-0781  
Phone: 202 690-0759  
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Email: dlayfiel@rdmail.rural.usda.gov**RIN:** 0575-AC25**BILLING CODE** 3410-XV-S**Department of Agriculture (USDA)  
Federal Crop Insurance Corporation (FCIC)**

## Proposed Rule Stage

**296. 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	12/00/02	

**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-AB00**297. 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	12/00/02	

**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, Room 6727 South, Washington, DC 20250  
Phone: 202 720-4232**RIN:** 0563-AB71**298. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); PL 106-224**CFR Citation:** 7 CFR 400**Legal Deadline:** None

**Abstract:** RMA plans to supplement the existing sanction authority found at 7 CFR 400.451 in order to include the revised sanctions available for offenses which occur after June 20, 2001, the date of passage of the Agricultural Risk Protection Act of 2000. This action will supplement the existing regulations which remain effective for all offenses occurring before June 20, 2000. This rule will contain guidelines for the

level of sanctions that may be imposed, waiver authority on the part of the Administrator or designee, examples of sanctionable offenses, and the evidentiary standards to be followed.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert J. Crockett, Sanction Officer, Department of Agriculture, Federal Crop Insurance Corporation, 430 G. Street, Suite 4167, Davis, CA 95616-4167  
Phone: 530 792-5864**RIN:** 0563-AB73**299. 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	12/00/02	

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

## USDA—FCIC

## Proposed Rule Stage

**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

### 300. 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	11/00/02	

**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-AB80

### 301. 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	12/00/02	

**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-AB83

### 302. 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

**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 and organic farming practices as good farming practices.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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-AB85

### 303. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART L—REINSURANCE AGREEMENT—STANDARDS FOR APPROVAL; REGULATIONS FOR THE 1997 AND SUBSEQUENT REINSURANCE YEARS

**Priority:** Other Significant

**Legal Authority:** 7 USC 1508

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation (FCIC) proposes to amend its General Administrative Regulations to publish the terms of the Standard Reinsurance Agreement (SRA) in the Federal Register. This will improve the integrity of the public/private partnership by avoiding ad hoc changes to important definitions and terms during negotiations involving compensation paid to each insurance provider. The current SRA has not been published in the Federal Register; therefore, the intent of this proposal is to codify the definitions and terms.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## USDA—FCIC

## Proposed Rule Stage

**Government Levels Affected:** None**Agency Contact:** Heyward Baker, Director, Reinsurance Services Division, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Room 6727 South, Washington, DC 20250  
Phone: 202 720-4232**RIN:** 0563-AB86**304. • GENERAL ADMINISTRATIVE REGULATIONS; QUALITY ASSURANCE AND PERFORMANCE MEASUREMENT SYSTEM FOR THE FEDERAL CROP INSURANCE PROGRAM****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l), 7 USC 1506(p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None**Abstract:** The Federal Crop Insurance Corporation (FCIC) proposes a regulation to amend its General Administrative Regulations that includes an additional Subpart which contains the Quality Assurance and Performance Measurement System for private sector delivery of the Federal Crop Insurance program.

This regulation will establish a standard of measure for determining acceptable and unacceptable levels of performance by private insurance providers. It will define how monetary errors will be identified, classified, and reported. It will also establish a system of incentives and sanctions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Heyward Baker, Director, Reinsurance Services Division, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Room 6727 South, Washington, DC 20250  
Phone: 202 720-4232**RIN:** 0563-AB88

## Department of Agriculture (USDA)

## Final Rule Stage

## Federal Crop Insurance Corporation (FCIC)

**305. 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 Action	12/00/02	

**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**306. 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

## USDA—FCIC

## Final Rule Stage

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	12/00/02	

**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-AB66

**307. 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 Action	12/00/02	

**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, Room 6727 South, Washington, DC 20250  
Phone: 202 720-4232

**RIN:** 0563-AB70

**308. 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 Action	12/00/02	

**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-AB81

**309. 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	09/17/01	66 FR 47949
Interim Final Rule Comment Period End	11/16/01	
Final Action	12/00/02	

**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

## USDA—FCIC

## Final Rule Stage

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

**RIN:** 0563-AB84

### 310. • COMMON CROP INSURANCE REGULATIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457.101; 7 CFR 457.161

**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Small Grains Crop Provisions (7 CFR section 457.101) and Canola and Rapeseed Crop Insurance Provisions (7 CFR section 457.161) to implement the quality loss adjustment procedures contained in section 10003 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	06/26/02	
Interim Final Rule	06/28/02	67 FR 43525
Interim Final Rule Comment Period End	08/27/02	
Final Action	12/00/02	

### 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-AB87

### 311. • COMMON CROP INSURANCE REGULATIONS; SUNFLOWER, COARSE GRAINS, SAFFLOWER, DRY PEA, RICE, AND DRY BEAN CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457.108; 7 CFR 457.113; 7 CFR 457.125; 7 CFR 457.140; 7 CFR 457.141; 7 CFR 457.150; ...

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to amend policies for the crops listed above, to implement the quality loss adjustment procedures contained in section 10003 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) that allow quality determinations to be made by warehouse operators that are licensed under State law or are not licensed

under State law but are in compliance with State law regarding warehouses, provided they have entered into a storage agreement with the Commodity Credit Corporation. The sunflower and coarse grain crop provisions currently provide for the samples to be analyzed by a grader licensed to grade the crop under the authority of the United States Grain Standards Act or the United States Warehouse Act and the safflower, dry pea, rice, and dry bean crop provisions currently provide for the samples to be analyzed by a grader licensed to grade the crop under the authority of the Agricultural Marketing Act or the United States Warehouse Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**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-AB89

**BILLING CODE** 3410-08-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

### Grain Inspection, Packers and Stockyards Administration (GIPSA)

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 204; 7 USC 228

**CFR Citation:** 9 CFR 201.54

**Legal Deadline:** None

**Abstract:** Following a review of comments received in response to the ANPRM, the Agency is proposing a regulation that would make purchasing or selling livestock with the condition that the price not be reported a violation of the Packers and Stockyards Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/10/98	63 FR 48450

Action	Date	FR Cite
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ANPRM Comment Period End	12/09/98	
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NPRM	12/00/02	
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**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA65

### 313. 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	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## USDA—GIPSA

## Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
Phone: 202 720-7486  
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Email: h.tess.butler@usda.gov

**RIN:** 0580-AA77**314. FEES FOR OFFICIAL INSPECTION AND OFFICIAL WEIGHING SERVICES****Priority:** Other Significant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.71**Legal Deadline:** None

**Abstract:** GIPSA is proposing several changes in the way the Agency charges fees for official inspection and weighing services performed in the United States, under the United States Grain Standards Act. Currently, GIPSA assesses fees by using hourly and unit rates and by assessing an administrative tonnage fee. The proposed action will increase the hourly and unit rates. GIPSA is also proposing to increase the administrative tonnage fee and adopt a new, regional fee structure.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA80

## Department of Agriculture (USDA)

## Final Rule Stage

## Grain Inspection, Packers and Stockyards Administration (GIPSA)

**315. 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	12/00/02	

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA57**316. 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	08/21/02	67 FR 54136
NPRM Comment Period End	10/21/02	
Final Action	02/00/03	

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA58**317. 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	11/00/02	

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA71**318. 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	07/03/02	67 FR 44571
NPRM Comment Period End	09/03/02	
Final Action	02/00/03	

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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Email: h.tess.butler@usda.gov

**RIN:** 0580-AA76**BILLING CODE** 3410-EN-S**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)****Proposed Rule Stage****319. 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	11/00/02	
NPRM Comment Period End	03/00/03	
Final Action	05/00/03	

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

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**RIN:** 0584-AB10**320. INTENTIONAL PROGRAM VIOLATION REPORTING AND COMPUTER MATCHING REQUIREMENTS THAT AFFECT THE FOOD STAMP PROGRAM****Priority:** Other Significant. 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 codifies prisoner verification and death master file matching mandated by legislation and previously

implemented through agency directive. (89-010)

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	
Final Action	09/00/03	
Final Action Effective	11/00/03	

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

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**RIN:** 0584-AB51**321. FSP: CIVIL RIGHTS DATA COLLECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 88-352, sec 601**CFR Citation:** 7 CFR 272**Legal Deadline:** None

## USDA—FNS

## Proposed Rule Stage

**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	11/00/02	
NPRM Comment Period End	01/00/03	
Final Action	10/00/03	
Final Action Effective	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AC75

**322. 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 to 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 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	12/00/02	
NPRM Comment Period End	02/00/03	
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal

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**RIN:** 0584-AC84

**323. 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	03/00/03	
NPRM Comment Period End	05/00/03	
Final Action	11/00/03	
Final Action Effective	03/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

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**RIN:** 0584-AC86

## USDA—FNS

## Proposed Rule Stage

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

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

**RIN:** 0584–AC90

**325. 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	06/00/03	
NPRM Comment Period End	08/00/03	
Final Action	06/00/04	
Final Action Effective	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

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**RIN:** 0584–AD06

**326. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS: RESOURCE LIMITS AND EXCLUSIONS, EXTENDED CERTIFICATION PERIODS, AND TRANSITIONAL BENEFITS**

**Priority:** Other Significant

**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 (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	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

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**RIN:** 0584–AD12

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

**Priority:** Other Significant

**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 seven States. Six States were initially authorized by the Agricultural Risk Protection Act (Pub. L. 106-224); the seventh State was authorized by fiscal year 2002 appropriation legislation. At-risk suppers in these States (Delaware, Illinois, 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 seven 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	07/00/03	
NPRM Comment Period End	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584–AD15

**328. FOOD STAMP PROGRAM: ADMINISTRATIVE SANCTIONS IMPOSED AGAINST VIOLATING ELECTRONIC BENEFITS TRANSFER (EBT) STORES**

**Priority:** Other Significant

**Legal Authority:** 12 USC 2021; 13 USC 2022

## USDA—FNS

## Proposed Rule Stage

**CFR Citation:** 7 CFR 278.6

**Legal Deadline:** None

**Abstract:** The United States Department of Agriculture, Food and Nutrition Service (FNS), is proposing to revise section 278.6 of the Food Stamp Program Regulations entitled “Disqualification of Retail Food Stores and Wholesale Food Concerns and Imposition of Civil Money Penalties In Lieu of Disqualifications.” This section of the regulation is being revised as a result of the implementation of the Electronic Benefits Transfer (EBT) system. This section of the regulations addresses the administrative sanctions (i.e., imposing a period of disqualification or assessing a monetary penalty) that may be imposed by FNS against retail food stores and wholesale food concerns that are found violating the Food Stamp Program. (01-012)

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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**RIN:** 0584-AD18

**329. FOOD STAMP PROGRAM: SIMPLIFICATION AND STATE FLEXIBILITY**

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

**RIN:** 0584-AD22

**330. FOOD STAMP PROGRAM: ADMINISTRATIVE REVIEW REQUIREMENTS—FOOD RETAILERS/WHOLESALE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2011 to 2036

**CFR Citation:** 7 CFR 278; 7 CFR 279

**Legal Deadline:** None

**Abstract:** The rule proposes to streamline and make technical corrections to the administrative review process by amending portions of current regulations provided in parts 278 and 279. It would eliminate repetitious, outdated and unnecessary provisions without taking away a business’s right to an administrative review or a judicial review. It would also eliminate formal procedures for face-to-face meetings with review officers. There are very few requests for such reviews, and because administrative review decisions are based on documented facts and not on face-to-face meetings, these meetings are unnecessary and ineffective. (02-001)

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD23

**331. ● FOOD STAMP PROGRAM: CLARIFICATIONS AND CORRECTIONS TO RECIPIENT CLAIM ESTABLISHMENT AND COLLECTION STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2011 to 2036

**CFR Citation:** 7 CFR 272; 7 CFR 273

**Legal Deadline:** None

**Abstract:** Section 13 of the Food Stamp Act of 1977, as amended, requires State agencies to pursue collection of recipient overissuances in the Food Stamp Program. On July 6, 2000, FNS published a major rule that revised many of the processes and procedures in this area. This proposed rule provides clarifications and corrections to the July 6, 2000, rulemaking. (02-003)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD25

**332. ● FSP: EBT AND RETAIL FOOD STORES PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171, secs 4108, 4110, 4113, and 4117

**CFR Citation:** 7 CFR 274.12; 7 CFR 278; 7 CFR 279

**Legal Deadline:** Other, Statutory, May 13, 2002, PL 107-171, sec 4108, 4113, and 4117.  
Other, Statutory, October 1, 2002, PL 107-171, sec 4110.

**Abstract:** Section 4108—This rule proposes to allow alternate methods for issuing food stamp benefits during disasters when reliance on electronic benefit transfer systems (EBT) is impracticable.

Section 4110—This rule proposes to eliminate the requirement that Federal costs for electronic benefit transfer systems cannot exceed the costs of the paper systems they replace.

Section 4113—This rule proposes to allow group homes and institutions to redeem EBT benefits directly through banks in areas where EBT has been implemented rather than going through authorized wholesalers or other retailers.

Section 4117—This rule proposes to allow the Secretary of Agriculture to use mailing methods other than certified mail when notifying retailers

## USDA—FNS

## Proposed Rule Stage

of the above mentioned adverse actions so long as the method provides evidence of delivery. (02-005)

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD28

**333. • FSP: HIGH PERFORMANCE BONUSES**

**Regulatory Plan:** This entry is Seq. No. 9 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AD29

**334. • FSP: ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

**Regulatory Plan:** This entry is Seq. No. 10 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AD30

**335. • FSP: QUALITY CONTROL PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

**Regulatory Plan:** This entry is Seq. No. 11 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AD31

**336. • FSP: EMPLOYMENT AND TRAINING PROGRAM PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

**Regulatory Plan:** This entry is Seq. No. 12 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AD32

**337. • COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP)—ALLOCATION OF ADMINISTRATIVE FUNDS**

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 247.10

**Legal Deadline:** None

**Abstract:** This rule will amend CSFP regulations to implement nondiscretionary provisions of Public Law 107-171 affecting the allocation of administrative funds to State agencies. The law allocates to State agencies an administrative grant per assigned caseload slot, adjusted each year for inflation, to pay program administrative costs. It also deletes the current limitation of the total administrative allocation to 20 percent of total program funding. The method of allocation used previously did not guarantee States a specific amount for each caseload slot assigned. The changes provide more stable funding support for State and local agencies. (02-010)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal

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**RIN:** 0584-AD33

**338. • SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)**

**Priority:** Other Significant

**Legal Authority:** PL 107-171, sec 4306

**CFR Citation:** 7 CFR 249

**Legal Deadline:** None

**Abstract:** This proposed rule will implement the provision of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) that gives the Department the authority to promulgate regulations for the operation and administration of the SFMNP. The purposes of the SFMNP are to provide fresh, nutritious, unprepared locally grown fruits, vegetables, and herbs from farmers' markets, roadside stands, and community supported agriculture programs to low-income seniors, and to increase the consumption of agricultural commodities by expanding, developing, and/or aiding in the development of domestic farmers' markets, roadside stands, and community supported agriculture programs. (02-012)

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/03	
NPRM Comment Period End	11/00/03	
Final Action	06/00/04	
Final Action Effective	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Federalism:** Undetermined

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**RIN:** 0584-AD35

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

Final Rule Stage

**339. 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	08/23/00	65 FR 51213
Interim Final Rule Effective	10/23/00	
Interim Final Rule Implementation Date	11/21/00	
Interim Final Rule Comment Period End	08/23/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State, Local, Tribal, Federal

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**RIN:** 0584-AB52

**340. 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 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

Action	Date	FR Cite
NPRM Comment Period End	02/18/97	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Federal

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**RIN:** 0584-AB57

**341. CHILD AND ADULT CARE FOOD PROGRAM: IMPROVING MANAGEMENT AND PROGRAM INTEGRITY**

**Regulatory Plan:** This entry is Seq. No. 13 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AC24

**342. 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	11/00/02	

## USDA—FNS

## Final Rule Stage

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

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**RIN:** 0584-AC37**343. NATIONAL SCHOOL LUNCH PROGRAM: REIMBURSEMENT FOR SNACKS IN AFTERSCHOOL CARE PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 105-336**CFR Citation:** 7 CFR 210; 7 CFR 235; 7 CFR 245**Legal Deadline:** None

**Abstract:** The William F. Goodling Child Nutrition Reauthorization Act of 1998 amended the Richard B. Russell 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. (98-007)

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/00	65 FR 60502
NPRM Comment Period End	01/09/01	
Final Action	06/00/03	

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

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**RIN:** 0584-AC72**344. 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 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	12/00/02	

**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, 3101 Park Center Drive, Room 308, Alexandria, VA 22302  
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**RIN:** 0584-AC91**345. 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 make 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 Program" (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

## USDA—FNS

## Final Rule Stage

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	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AC95

### 346. 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
NPRM	02/21/02	67 FR 7977
NPRM Comment Period End	04/22/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD08

### 347. 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	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD16

### 348. EXPANDED VERIFICATION OF ELIGIBILITY SUMMARY REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1758, sec 9(d)(2)

**CFR Citation:** 7 CFR 245

**Legal Deadline:** None

**Abstract:** Recent comparisons of National data indicate that there are more students certified for free and reduced price meals than there are students eligible for such meal benefits. As a result, the Food and Nutrition Service (FNS) plans to propose regulations to address this discrepancy. FNS plans to publish proposed regulations to require local school food authorities to report verification activity and results to their respective State agency to support State agency oversight activities and to allow States to report the school level data to USDA. Results will provide USDA with information that will assist in improving the certification of eligibility for free and reduced price meal benefits. (01-015)

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/02	67 FR 51779
NPRM Comment Period End	10/08/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302  
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**RIN:** 0584-AD20

## USDA—FNS

## Final Rule Stage

**349. • PRIVACY ACT: REVISION OF AN EXISTING SYSTEM OF RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 2011 to 2036; PL 100-103**CFR Citation:** 7 CFR 273**Legal Deadline:** None

**Abstract:** This is a revision to the existing system of records entitled "Claims Against Food Stamp Recipients-USDA/FNS-3." The revision is being made to comply with the requirements of Treasury Offset Program. This notice announces that FNS will now share data with private sources for the purpose of obtaining addresses to locate individuals who may owe delinquent food stamp recipient claims and employment information for administrative wage garnishment. (02-002)

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/03	
Final Action Effective	02/00/03	

**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, 3101 Park Center Drive, Room 308, Alexandria, VA 22302  
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**RIN:** 0584-AD24**350. • AFTERSCHOOL SNACKS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM****Priority:** Other Significant**Legal Authority:** PL 105-336**CFR Citation:** 7 CFR 226**Legal Deadline:** None

**Abstract:** The William F. Goodling Child Nutrition Reauthorization Act of 1998 amended the Richard B. Russell National School Lunch Act to authorize reimbursement for snacks served under CACFP in afterschool care programs operated by at-risk centers. The afterschool program must be organized primarily to provide care for children and have an educational or enrichment purpose. All snacks are served free to participants because at-risk centers are located in eligible areas (that is, areas served by a school in which at least 50 percent of the enrolled children are certified for free or reduced price meals). (02-004)

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/00	65 FR 60502
NPRM Comment Period End	01/09/01	
Final Action	06/00/03	
Final Action Effective	07/00/03	

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

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**RIN:** 0584-AD27**351. • SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): EXCLUSION OF MILITARY HOUSING PAYMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171, sec 4402**CFR Citation:** 7 CFR 246**Legal Deadline:** None

**Abstract:** This final rule implements a non-discretionary legislative provision of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) by providing WIC State agencies the option to exclude payments to military personnel for privatized housing, whether on- or off-base, when determining income eligibility for the WIC program. (02-011)

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**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, 3101 Park Center Drive, Room 308, Alexandria, VA 22302  
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**RIN:** 0584-AD34**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)****Long-Term Actions****352. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY****Priority:** Other Significant**CFR Citation:** 7 CFR 226**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/27/02	67 FR 43448

Action	Date	FR Cite
Interim Final Rule Effective	07/29/02	
Final Action	06/00/04	

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

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

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**RIN:** 0584-AC94

## USDA—FNS

## Long-Term Actions

**353. 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

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RIN: 0584-AC96

**354. SPECIAL MILK PROGRAM FOR CHILDREN: PLAIN LANGUAGE REVISION AND REORGANIZATION**

Priority: Info./Admin./Other

CFR Citation: 7 CFR 215

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State,  
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RIN: 0584-AC97

**355. 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

CFR Citation: 7 CFR 250

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State,  
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RIN: 0584-AC98

**356. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 251, THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)**

Priority: Info./Admin./Other

CFR Citation: 7 CFR 251

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State,  
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RIN: 0584-AC99

**357. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 252, THE NATIONAL COMMODITY PROCESSING PROGRAM (NCP)**

Priority: Info./Admin./Other

CFR Citation: 7 CFR 252

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State,  
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RIN: 0584-AD00

**358. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 253, THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR)**

Priority: Info./Admin./Other

CFR Citation: 7 CFR 253

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State,  
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RIN: 0584-AD01

**359. 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

CFR Citation: 7 CFR 254

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State,  
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RIN: 0584-AD02

**360. NUTRITION EDUCATION AND TRAINING PROGRAM: PLAIN LANGUAGE REWRITE OF 7 CFR PART 227**

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

## USDA—FNS

## Long-Term Actions

**Small Entities Affected:** No  
**Government Levels Affected:** None  
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**RIN:** 0584–AD03

**361. STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS**

**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

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**RIN:** 0584–AD04

**362. PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES**

**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

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**RIN:** 0584–AD05

**363. SCHOOL BREAKFAST PROGRAM: PLAIN LANGUAGE REVISION AND REORGANIZATION**

**Priority:** Info./Admin./Other

**CFR Citation:** 7 CFR 220

**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  
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**RIN:** 0584–AD10

**364. WIC: PLAIN LANGUAGE REWRITE OF 7 CFR PART 248, FARMERS' MARKET NUTRITION PROGRAM**

**Priority:** Info./Admin./Other

**CFR Citation:** 7 CFR 248

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584–AD11

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

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 7 CFR 273.8; 7 CFR 273.9

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584–AD13

**366. CNP: PLAIN LANGUAGE REWRITE OF 7 CFR PART 225, SUMMER FOOD SERVICE PROGRAM**

**Priority:** Info./Admin./Other

**CFR Citation:** 7 CFR 225

**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  
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**RIN:** 0584–AD17

**Department of Agriculture (USDA)**  
**Food and Nutrition Service (FNS)**
**Completed Actions**
**367. 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**

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 7 CFR 273.7; 7 CFR 273.22; 7 CFR 273.24

**Completed:**

Reason	Date	FR Cite
Final Action	06/19/02	67 FR 41589
Final Action Effective	08/19/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AC45

**Completed:**

Reason	Date	FR Cite
Final Action	05/28/02	67 FR 36779
Final Action Effective	06/27/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD26  
**BILLING CODE** 3410-30-S

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Prerule Stage**
**369. POULTRY INSPECTION: REVISION OF FINISHED PRODUCT STANDARDS WITH RESPECT TO INGESTA**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 21 USC 451 to 470 et seq

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** FSIS is seeking to clarify its Poultry Inspection regulations regarding visible ingesta on poultry carcasses and parts. This action was precipitated by a civil suit filed against USDA.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 112 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC77

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Proposed Rule Stage**
**370. TRANSPORTATION, STORAGE, AND OTHER HANDLING OF POTENTIALLY HAZARDOUS FOODS**

**Priority:** Other Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 21 USC 601 to 695; 21 USC 451 to 470

**CFR Citation:** 9 CFR 308; 9 CFR 317; 9 CFR 325; 9 CFR 381

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS), in conjunction with the Food and Drug Administration (FDA), published an advance notice of proposed rulemaking (ANPRM) that addressed possible

regulatory approaches to the transportation and storage of potentially hazardous foods (including meat and poultry products) and solicited comments and information from the public. FSIS and FDA have been considering various efforts to ensure that potentially hazardous foods outside of food processing establishments will be handled in a way that will minimize the growth of pathogenic organisms or other hazards. FSIS now anticipates rulemaking under the Federal Meat Inspection Act and the Poultry Products Inspection Act on proposed handling standards and information to assure that the public is informed of the manner of handling required to maintain these products under sanitary conditions.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/22/96	61 FR 59372
ANPRM Comment Period End	02/20/97	
NPRM	09/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 112 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250

## USDA—FSIS

## Proposed Rule Stage

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 RIN: 0583-AC05

**371. 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 issues raised by the Office of Inspector General and others.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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**RIN:** 0583-AC07

**372. PERFORMANCE STANDARDS FOR BACON**

**Regulatory Plan:** This entry is Seq. No. 14 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC49

**373. 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	07/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0583-AC56

**374. EGG AND EGG PRODUCTS INSPECTION REGULATIONS**

**Regulatory Plan:** This entry is Seq. No. 15 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC58

**375. 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 the nutrition labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart B, and part 381, subpart Y, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**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-AC59

**376. PATHOGEN REDUCTION; HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP) SYSTEMS; ADDITIONS TO GENERIC E. COLI CRITERIA**

**Priority:** Other Significant

**Legal Authority:** 21 USC 601 to 695; 21 USC 451 to 470

**CFR Citation:** 9 CFR 310; 9 CFR 381

**Legal Deadline:** None

**Abstract:** FSIS is proposing to add generic E. coli criteria to the regulations. In addition, FSIS is proposing to revise the terms used to identify and define certain classes of product listed in the Salmonella tables.

FSIS is proposing to delay making the proposed criteria and standards applicable for 1 year for small establishments and for 2 years for very small establishments.

## USDA—FSIS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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RIN: 0583-AC63

**377. FOOD STANDARDS; GUIDING PRINCIPLES AND FOOD STANDARDS MODERNIZATION****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) are proposing to modernize their food standards. The agencies are proposing a set of guiding principles that define how modern food standards should be structured to protect the interest of consumers, provide for technological advances in food production, be consistent with international food standards, and be clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards. The proposed guiding principles will establish the criteria that the Agencies will use in considering whether a petition to establish, revise, or eliminate a food standard will be the basis for a proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

Required: Undetermined

**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-AC72

**378. 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 should 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	06/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Undetermined

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RIN: 0583-AC81

**379. 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	12/00/02	

**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

**380. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY (SECTION 610 REVIEW)**

**Regulatory Plan:** This entry is Seq. No. 16 in part II of this issue of the **Federal Register**.

RIN: 0583-AC87

**381. 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. 17 in part II of this issue of the **Federal Register**.

RIN: 0583-AC88

**382. • ADDITION OF SAN MARINO TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT MEAT AND MEAT PRODUCTS TO THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 to 695**CFR Citation:** 9 CFR 327**Legal Deadline:** None

**Abstract:** FSIS is proposing to add San Marino to the list of countries from

## USDA—FSIS

## Proposed Rule Stage

which meat or meat food products may be imported into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 0583-AC91

## Department of Agriculture (USDA)

## Final Rule Stage

## Food Safety and Inspection Service (FSIS)

**383. 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	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC09

**384. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS**

**Regulatory Plan:** This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC46

**385. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND RECOVERY SYSTEMS**

**Regulatory Plan:** This entry is Seq. No. 19 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC51

**386. NUTRITION LABELING OF GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS AND SINGLE-INGREDIENT PRODUCTS**

**Regulatory Plan:** This entry is Seq. No. 20 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC60

**387. FOOD LABELING; NUTRIENT CONTENT CLAIMS, DEFINITION OF THE TERM HEALTHY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq

**CFR Citation:** 9 CFR 317; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This interim final rule extended until January 1, 2003, the effective date of the requirements that, to bear the claim "healthy" or any other derivative of the term "health," individual meat and poultry products can contain no more than 360 milligrams (mg) sodium and that meal-type products can contain no more than 480 mg sodium.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/99	64 FR 72490
Interim Final Rule Comment Period End	01/27/00	
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC65

## USDA—FSIS

## Final Rule Stage

**388. 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	12/00/02	

**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**389. PERFORMANCE STANDARDS FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES****Priority:** Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 9 CFR 424**Legal Deadline:** None**Abstract:** This rule is proposing to allow, on a voluntary basis, the on-line reprocessing of pre-chill poultry carcasses that are accidentally contaminated with digestive tract contents during slaughter. The treated carcasses must meet a standard at pre-chill, in addition to pre-chill standards for generic E. coli and Salmonella already prescribed.**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment Period End	01/30/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 112 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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Email: daniel.engeljohn@usda.gov**RIN:** 0583-AC73**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 FMIA, PPIA, and EPIA by updating and consolidating organizational provisions.**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 112 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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Email: daniel.engeljohn@usda.gov**RIN:** 0583-AC78**391. 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	06/00/03	

**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

## Department of Agriculture (USDA)

## Long-Term Actions

## Food Safety and Inspection Service (FSIS)

## 392. 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	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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**RIN:** 0583-AC43

## 393. 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	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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**RIN:** 0583-AC44

## 394. 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	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0583-AC53

## 395. ELIMINATION OF REQUIREMENTS FOR TOTAL QUALITY CONTROL SYSTEMS

**Priority:** Other Significant

**CFR Citation:** 9 CFR 317; 9 CFR 318; 9 CFR 381

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

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**RIN:** 0583-AC68

## Department of Agriculture (USDA)

## Completed Actions

## Food Safety and Inspection Service (FSIS)

## 396. SHARING RECALL DISTRIBUTION LISTS WITH STATE AND OTHER FEDERAL GOVERNMENT AGENCIES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 390

**Completed:**

Reason	Date	FR Cite
Final Action	04/24/02	67 FR 20009

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

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**RIN:** 0583-AC75

**BILLING CODE** 3410-DM-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Foreign Agricultural Service (FAS)

## 397. 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 Markets 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

## USDA—FAS

## Proposed Rule Stage

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	02/00/03	

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

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**RIN:** 0551-AA62

**Department of Agriculture (USDA)  
Foreign Agricultural Service (FAS)**

## Final Rule Stage

**398. 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	12/00/02	

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

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**RIN:** 0551-AA60
**399. • TECHNICAL ASSISTANCE FOR SPECIALTY CROPS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171, sec 3205**CFR Citation:** 7 CFR 1487**Legal Deadline:** None

**Abstract:** The Farm Security and Rural Investment Act of 2002 mandates that the Secretary make available annually \$2 million of Commodity Credit

Corporation funds to establish and carry out an export assistance program to address sanitary, phytosanitary, and technical barriers that prohibit or threaten the export of U.S. specialty crops. This interim rule would establish the Technical Assistance for Specialty Crops program, providing a new tool to enable USDA to make available much needed resources to the specialty crop industry to remove, resolve or mitigate these barriers to increased exports.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/10/02	67 FR 39254
Interim Final Rule Comment Period End	11/12/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** 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  
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**RIN:** 0551-AA63

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Long-Term Actions**
**400. 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

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**RIN:** 0551-AA30

**401. 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

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**RIN:** 0551-AA35

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Completed Actions**
**402. FREEDOM OF INFORMATION ACT (FOIA) REGULATIONS FOR THE FOREIGN AGRICULTURAL SERVICE**

**Priority:** Info./Admin./Other

**CFR Citation:** 7 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action	07/11/02	67 FR 45895

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0551-AA61

**BILLING CODE** 3410-10-S

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Proposed Rule Stage**
**403. 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	11/00/02	

Action	Date	FR Cite
Second NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AA47

## USDA—FS

## Proposed Rule Stage

**404. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS****Priority:** Other Significant**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 proposed rule sets forth the Forest Service role and procedures in the conveyance of Indian allotments on National Forest System (NFS) lands. The Indian Allotment Act of 1910, as amended, authorizes the Secretary of the Interior to make allotments of NFS lands to American Indians for homesteading and agricultural and grazing purposes, but only after a determination by the Secretary of Agriculture that the lands are more valuable for agriculture or grazing than for timber. The Forest Service has relied upon U.S. Department of the Interior 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. This proposed rule clarifies the role of the Forest Service in the allotment process. It preserves the rights of affected individual American Indians who wish to apply for allotments on NFS lands. An earlier version of this proposed rule was published in the Federal Register on June 22, 1987 (52 FR 23473). Very few comments were received on the 1987 proposed rule, and this revision of the proposed rule makes only limited changes needed to update the rule due to the passage of 15 years since publication of the first version of the proposed rule. Because of the amount of time that has elapsed since the earlier version of the proposed rule was published, the agency believes that it is in the public interest to publish a revised proposed rule and request comment prior to adopting a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Second NPRM	11/00/02	
Second NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Andria D Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AA52**405. 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	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Andria D Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AA79**406. 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	04/00/03	
NPRM Comment Period End	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Andria D Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AB27

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## Proposed Rule Stage

**407. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472; 16 USC 551**CFR Citation:** 36 CFR 251; 36 CFR 214**Legal Deadline:** None

**Abstract:** These proposed regulations would redesignate these appeals rules as a new part 214, thus placing all appeals and notice and comment rules in close proximity. Additionally, this proposed rule would revise a number of existing provisions. For example, changes to part 251 would clarify the application of this rule to the issuance of permits for occupancy and use of National Forest System lands. When 36 CFR part 251, subpart C, regulations were promulgated in 1989, NEPA analysis and documentation was not consistently applied to the authorization of special uses. Now the authorization and the issuance of permits and other authorization requires application of the NEPA process prior to issuance. In addition, since these regulations were implemented, Congress has passed the Appeal Reform Act. The proposed changes to the permit-related appeal rules are needed to make this regulation consistent with regulations at 36 CFR part 215. Among specific proposed changes being considered are removing the second level of appeal opportunity, removing the discretionary review option, shortening timeframes for scheduling oral presentations, and making changes to conform terminology and definitions with 36 CFR part 215.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	
NPRM Comment Period End	06/00/03	

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

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**RIN:** 0596-AB45**408. 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 only 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 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	02/00/03	
Second NPRM Comment Period End	04/00/03	

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

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**RIN:** 0596-AB61**409. 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 defining "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. Forest Service officials would be authorized to propose timber sale modifications and to enter into discussions with purchasers on such modifications. However, timber purchasers would not be compelled to accept any modifications offered under this rule.

To the extent that timber sale cancellations and partial cancellations are avoided, future damage claims on timber sales would be reduced.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

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

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## Proposed Rule Stage

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RIN: 0596-AB70

**410. LAND USES; SPECIAL USES REQUIRING AUTHORIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 477 to 482; 16 USC 551; 43 USC 1761 to 1771**CFR Citation:** 36 CFR 251.50**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 is proposing 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 addressed by other Forest Service regulations; for example, those governing the disposal of timber (part 223); minerals (part 228); and the grazing of livestock (part 222). The study also concluded that section 251.50(e) should be added 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(d) would clarify requirements regarding authorizations for special uses involving National Forest System roads and trails. The current regulation requires the issuance of closure orders for regulation of special uses on NFS roads and trails. The revised regulation will eliminate the necessity of individual closure orders for common public service permit programs.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

Action	Date	FR Cite
NPRM Comment Period End	01/00/03	

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

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RIN: 0596-AB74

**411. 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 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	04/00/03	
NPRM Comment Period End	06/00/03	

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

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RIN: 0596-AB75

**412. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-113**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, which authorizes a 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 including forest botanical products.

**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**Federalism:** Undetermined

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## Proposed Rule Stage

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#### 413. DETERMINING FAIR MARKET VALUE FOR RECREATION RESIDENCE USE AUTHORIZATIONS

**Priority:** Substantive, Nonsignificant

**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 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	01/00/03	
NPRM Comment	03/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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RIN: 0596-AB83

#### 414. 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 Forest Service also plans to address issues or deficiencies that have evolved from over 2 decades of forest planning. The goal is to develop a new rule that improves the planning process, decisionmaking, and legal defensibility of land and resource management plans.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment	01/00/03	
Period End		
Final Action	08/00/03	
Final Action Effective	09/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

#### URL For More Information:

<http://www.fs.fed.us/emc/nfma>

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RIN: 0596-AB86

#### 415. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED 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:** 42 USC 1421 to 4337

**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 hazardous 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 hazardous tree removal. This new categorical exclusion would be added to the existing categories for categorical exclusions in chapter 30 of Forest

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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	11/00/02	
NPRM Comment Period End	01/00/03	

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

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**RIN:** 0596-AB88

#### 416. 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. Experience has 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	11/00/02	
NPRM Comment Period End	01/00/03	

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

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**RIN:** 0596-AB89

#### 417. LAND USES; PROHIBITIONS: PALEONTOLOGICAL RESOURCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551; 18 USC 641

**CFR Citation:** 36 CFR 251.50; 36 CFR 251.51; 36 CFR 261.2; 36 CFR 261.9(i)

**Legal Deadline:** None

**Abstract:** This proposed rule consists of several technical changes to the agency's special uses and prohibited acts regulations regarding fossil collecting. First, the proposed rule would revise 36 CFR 251.50 to make clear that noncommercial recreational collecting of nonvertebrate fossils is an activity that does not require a special use authorization. Noncommercial vertebrate fossil collecting by academic and other similar institutions would be added as an activity that requires a special use authorization. The commercial collection of paleontological resources would not be authorized on National Forest System Lands. Second, this proposed rule would revise the definition for "paleontological resource" at 36 CFR 261.2 to make it scientifically correct. The revised definition for "paleontological resource" and a

definition for "nonvertebrate fossil collecting" would be added to 36 CFR 251.51. Third, the prohibitions related to paleontology at 36 CFR 261.9 would be revised to reflect the changes at 36 CFR part 251. Other conforming amendments to 36 CFR parts 251 and 261 will be made to accommodate the changes identified in this abstract. This proposed rule is consistent with the Forest Service's stated commitment to develop a unified policy for management of fossil resources on Federal and Indian lands in accordance with the seven principles established in the May 2000 Secretary of the Interior's Report to the Senate.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	
Final Action	09/00/03	

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

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**RIN:** 0596-AB91

#### 418. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 4151; 29 USC 794; 7 CFR 15e

**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR 15e require that new or reconstructed facilities be accessible. The Forest Service Trails Accessibility Guidelines in this proposed policy amending Forest Service Manual (FSM) 2350, Trail, River, and Similar Recreation Opportunities, would establish clear agency guidelines to provide the highest level of accessibility to pedestrian/hiker trails for the greatest number of people, including persons

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with disabilities, while not fundamentally altering the environment and recreational setting. The proposed policy also would incorporate the definition of a wheelchair and clarify direction that a mobility device that meets that definition of a wheelchair may be used anywhere foot travel is permitted. Comments will be considered in development of the final guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

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

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**RIN:** 0596-AB92**419. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4151; 29 USC 794; 7 CFR 15e**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR 15e require that new or reconstructed facilities be accessible. The Forest Service Outdoor Recreation Accessibility Guidelines in this proposed policy amending Forest Service Manual (FSM) chapter 2330, Publicly Managed Recreation Opportunities, would establish clear agency guidelines to provide the highest level of accessibility for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. Outdoor recreation facilities include campgrounds, picnic areas, beach access and other access routes, and so

on. The proposed policy also would clarify direction regarding existing requirements for the Golden Access Passport eligibility and documentation utilized by all Federal agencies under the 1980 amendment to the Land and Water Conservation Fund Act. Comments will be considered in development of the final guidelines.

**Timetable:**

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

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

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**RIN:** 0596-AB93**420. • INTERIM DIRECTIVE TO FOREST SERVICE MANUAL CHAPTER 1920, LAND AND RESOURCE MANAGEMENT PLANNING, FSM 1923, OBJECTION PROCESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 36 CFR 219**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Agency is proposing to issue an interim directive (ID) to Forest Service Manual chapter 1920, Land and Resource Management Planning to provide Agency-wide guidance on objections filed against land and resource management plan decisions. The objection process is authorized in the National Forest System Land and Resource Management Planning rule at 36 CFR 219.32 (65 FR 65714, November 9, 2000). The 2000 Planning Rule is currently being revised to address concerns raised regarding the Agency's ability to implement some portions of the rule's provisions. Nevertheless, this pre-decisional objection process is a viable tool for field units to use to attempt to resolve issue(s) prior to making a final Agency decision on land and resource management plans.

Therefore, it is prudent to provide interim direction on the objection process in order to ensure Agency-wide consistency in its implementation. Upon issuance of this ID, notice will be given in the Federal Register with a request for public comment. Comments will be reviewed and considered in developing the final policy on the objection process.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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

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**RIN:** 0596-AB97**421. • LOCATABLE MINERALS****Priority:** Other Significant**Legal Authority:** 30 USC 21 to 54; 30 USC 612**CFR Citation:** 36 CFR 228, subpart A**Legal Deadline:** None

**Abstract:** This revision follows recommended changes developed by GAO and OIG audits and recommendations in the National Research Council's 1999 report titled "Hardrock Mining on Federal Lands." The proposed rule would improve the administration of the locatable minerals program. The proposed rule's objectives are to improve the process for modifying, suspending, and terminating plans of operation; improve the process of reviewing and adjusting reclamation bonds to cover the full cost of reclamation; improve the process of managing temporary closures; define proper occupancy and use; and improve noncompliance and enforcement actions. This proposed rule revision will increase the efficiency of locatable minerals administration and protect the public from funding mine reclamation.

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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	
Final Action	12/00/03	

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

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**RIN:** 0596-AB98

**422. • NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED FOR FIRE MANAGEMENT ACTIVITIES (PROPOSED INTERIM DIRECTIVE TO FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1421 to 4337

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service proposes to issue an interim directive to Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, chapter 30, which addresses categories of actions that normally do not require either an environmental impact statement or an environmental assessment. The interim directive would add two categories of actions applicable to certain fire management activities, including prevention, mitigation, and emergency stabilization and rehabilitation (or restoration) measures. Such management activities would be designed to keep fire on the ground so that suppression efforts can be more effective. The objective of these activities for fuels management in areas of wildland-urban interface would be to reduce potential wildland fire

intensity to a level where fire suppression forces can safely remain on site during a wildland fire. Hazard reduction treatments would be accomplished using both prescribed fire and mechanical methods (thinning, logging, creating fuelbreaks, and so on). Comments received on the proposed interim directive will be used in development of final direction.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	12/00/02	

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

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**RIN:** 0596-AB99

**Department of Agriculture (USDA)  
Forest Service (FS)**

## Final Rule Stage

**423. 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:** The Forest Service is issuing a final rule to revise current Agency regulations regarding cancellation of timber sale contracts, permits, and other such instruments authorizing the sale or harvest of timber or other forest products. This rule is needed to clarify when, why, and by whom contracts may be canceled to remove redundant provisions and to provide a new formula for compensation when the Government must cancel timber sale contracts. The Forest Service takes every precaution before authorizing a particular activity on National Forest

System lands to ensure that its authorization conforms with existing laws and with existing conditions on the ground at the time of the authorization. The current regulations place an inappropriate amount of financial liability on the Forest Service when the agency must, for reasons of public policy, judicial decision, or statutory direction, cancel a timber sale contract or permit. The regulatory changes are necessary because the Forest Service is unable to continue bearing the majority of the financial risk and burden of contract cancellations. This rule would more reasonably allocate the risk between the Government and private parties. Establishing these reasonable limits to the Government's exposure to financial liability and burden of risk in the event of contractual changes or contract cancellations is critical to protecting the public's financial interests.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	01/00/03	
Final Action Effective	02/00/03	

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

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**RIN:** 0596-AB21

## USDA—FS

## Final Rule Stage

**424. 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	
Final Action	12/00/02	
Final Action Effective	02/00/03	

**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 were merged into the Final Rule published November 30, 1998 (63 FR 65950, RIN 0596-AB35). Thus, this rulemaking addresses only the cost-reimbursement provisions.

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RIN: 0596-AB36

**425. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; EXTENSION OF TIMBER SALE CONTRACTS TO PERMIT URGENT REMOVAL OF TIMBER FROM OTHER LANDS****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 interim rule and policy change will provide for extension of National Forest System (NFS) timber sale contracts when such an extension will permit the prompt removal and utilization of non-NFS timber damaged by catastrophic events. This change will define the responsibilities of the parties for requesting and approving such extensions and specify when such extensions 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. The interim rule will provide the regulatory foundation for extending existing contracts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	12/00/02	

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

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RIN: 0596-AB48

**426. 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 a final rule to establish procedures by which eligible persons may receive preferences authorized by statute in the issuance of special use permits to conduct revenue-producing visitor services within Conservation System Units on the National Forests in Alaska. This regulation is necessary to implement section 1307 of the Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C. 3101 et seq.). Lands administered by the Forest Service comprise approximately 5% of the Federal lands affected by this statute; therefore, in preparing this rule, the Forest Service has coordinated with two agencies of the Department of the Interior in order to provide consistency in the implementation of ANILCA. The final rule for the National Park Service was published on October 18, 1996 (61 FR 54334, revising 36 CFR part 13) and the final rule for the U.S. Fish and Wildlife Service was published on January 14, 1997 (62 FR 1838, revising 50 CFR part 36). While the USDI received many comments on its proposed rules, the Forest Service received only four comments on its proposed rule, which was published on April 25, 1997 (62 FR 20140). After considering all public comments, the Forest Service has revised the rule to clarify that statutory rights granted by ANILCA take precedence over the Forest Service outfitter and guide policy regarding reissuance of permits to priority use holders without competition; other changes made in this final rule are primarily minor and non-substantive.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/97	62 FR 20140
NPRM Comment Period End	06/24/97	
Final Action	11/00/02	
Final Action Effective	12/00/02	

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

## USDA—FS

## Final Rule Stage

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**RIN:** 0596-AB57

**427. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED FOR CERTAIN SPECIAL USES PERMIT ACTIONS (FINAL INTERIM DIRECTIVE TO FSH 1909.15, CHAPTER 30)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 4321 to 4346  
**CFR Citation:** None  
**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.

The proposed policy published September 20, 2001 (66 FR 48412) also contained a proposed revision to section 30.3 to clarify the NEPA documentation that is needed for processing applications and authorizations under a categorical exclusion when extraordinary circumstances exist. This revision to section 30.3 regarding extraordinary circumstances was incorporated as a separate action in RIN 0596-AB94 and final policy was published August 23, 2002 (67 FR 54622).

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/01	66 FR 48412
NPRM Comment Period End	11/19/01	
Final Action	01/00/03	
Final Action Effective	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Related To 0596-AB94

**RIN:** 0596-AB73

**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, 2001, the Chief conducted an internal review of the new road management policy. As a consequence, the Agency 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. Upon issuance, the Agency gave notice in the Federal Register with a request for comment. The Agency later determined that the interim requirements of the road management policy limiting road construction in

inventoried roadless and contiguous unroaded areas were not relevant to the road management policy; rather, these requirements should be dealt with in the context of overall management planning of roadless areas. Moreover, field units were generally finding it difficult to determine how to define and map contiguous unroaded areas consistently. In some recent cases, the interim requirements were resulting in EIS's for minimal road construction or reconstruction along the edge of inventoried roadless areas and contiguous unroaded areas, with resultant delays in project decisions. Therefore, the Agency issued a second ID effective December 14, 2001 (ID No. 7710-2001-3), to rescind these interim requirements from FSM chapter 7710 and simultaneously issued a third ID (ID No. 1920-2001-1) to relocate these roadless requirements to FSM chapter 1920, Land and Resource Management Planning. Although the second ID was immediately effective, a notice with a request for comment was published in the Federal Register on December 20, 2001 (66 FR 65796). Comments on ID No. 7710-2001-1 and ID No. 7710-2001-3 have been considered in developing the next appropriate steps concerning the road management policy. The Agency has decided to move ahead with adoption of the changes to FSM chapter 7710. The issues regarding interim protection of roadless areas will be handled as changes to chapter 1920.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/01	66 FR 65796
NPRM Comment Period End	02/19/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB90

## USDA—FS

## Final Rule Stage

**429. • FOREST LAND ENHANCEMENT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 107-171**CFR Citation:** 36 CFR 230, subpart C**Legal Deadline:** None

**Abstract:** This interim rule is needed to implement the Forest Land Enhancement Program (FLEP) authorized in the 2002 Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) through an amendment to the Cooperative Forestry Assistance Act (16 U.S.C. 2103). The FLEP program replaces two previous conservation incentives programs (the Stewardship Incentive Program (SIP) and the Forestry Incentives Program (FIP)). It is very similar to other cooperative grant and agreement programs that the Forest Service has managed over the past 50 years.

The goals of FLEP are to: (1) Enhance the productivity of timber, fish and wildlife habitat, soil and water quality, wetland, recreational resources, and aesthetic values of private non-industrial private forestland; and (2) establish, manage, maintain, enhance, and restore such forests. The act requires establishing a coordinated and cooperative Federal, State, and local grants program directed to achieve sustainable forestry; assisting owners of non-industrial private forestlands to more actively manage these lands and related resources; and encouraging such owners to use State, Federal, and private sector resource management expertise, financial assistance, and educational programs.

The interim rule is being drafted in consultation with other State and Federal Government partners. The FLEP steering committee includes representatives from State forestry agencies, the Cooperative State Research, Education and Extension

Service, and the Office of General Council. The Technical Committee that is drafting the interim rule is comprised of national and regional Forest Service representatives, as well as State forestry staff from across the country. Every State forester will have an opportunity to review and provide input to the interim rule before it is finalized and submitted for clearance. Other government and non-government partners will also have this opportunity.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Comment Period End	02/00/03	
Interim Final Rule Effective	03/00/03	
Final Action	09/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Federalism:** This action may have federalism implications as defined in EO 13132.**Agency Contact:** Andria D Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AB95**430. • COMMUNITY AND PRIVATE LAND FOREST FIRE ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 107-171**CFR Citation:** 36 CFR 230, subpart D (new)**Legal Deadline:** None

**Abstract:** The Farm Security and Rural Investment Act of 2002 directs the Secretary of Agriculture to establish a Community and Private Land Fire Assistance Program, to be administered by the Forest Service and implemented through the State Foresters. The Forest Service is issuing an interim rule to provide for the implementation and administration of the program, which would allow the following activities on both Federal and non-Federal lands: Fuel hazard mitigation and prevention, invasive species management, multi-resource wildfire planning, community protection planning, community and landowner education, market development and expansion, improved wood utilization, and special restoration projects.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Andria D Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AB96**Department of Agriculture (USDA)  
Forest Service (FS)****Completed Actions****431. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING; EXTENSION OF COMPLIANCE DEADLINE****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 219, subpart A**Completed:**

Reason	Date	FR Cite
Interim Final Rule	05/20/02	67 FR 35431
Interim Final Rule Effective	05/20/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Andria D Weeks

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**RIN:** 0596-AB87

## USDA—FS

## Completed Actions

**432. • CLARIFICATION OF EXTRAORDINARY CIRCUMSTANCES FOR CATEGORICAL EXCLUSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 4321 to 4346**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Forest Service adopted an Interim Directive (No. 1909.15-2002-2) to guide employees in complying with the National Environmental Policy Act and the Council on Environmental Quality (CEQ) regulations for certain actions which can be categorically excluded from documentation in an environmental assessment or an environmental impact statement. This

policy was split from RIN 0596-AB73 and published as a separate action. The Interim Directive clarifies the consideration of extraordinary circumstances as they apply to categorical exclusions. The intent of this Interim Directive is to facilitate employees' consistent interpretation and application of CEQ regulations and related agency policy. Notice of adoption of this Interim Directive was published and became effective on August 23, 2002 (67 FR 54622).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/23/02	67 FR 54622
Interim Final Rule Effective	08/23/02	

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

**Agency Contact:** Andria D Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**Related RIN:** Split From 0596-AB73**RIN:** 0596-AB94**BILLING CODE** 3410-11-S

## Department of Agriculture (USDA)

## Long-Term Actions

## Office of Chief Financial Officer (OCFO)

**433. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 3017 and 3021**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action	Undetermined	

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

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**RIN:** 0505-AA11**BILLING CODE** 3410-90-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Office of the Secretary (AgSEC)

**434. 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 led 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 cross-cutting requirements not included in other USDA departmentwide administrative regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Annie Walker-Bradley, Acting Director Planning and Accountability, Department of Agriculture, Office of the Secretary, Room 4632 South Building, 1400 Independence Avenue SW, Washington, DC 20250

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**RIN:** 0503-AA21

**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**

Final Rule Stage

**435. OUTREACH AND ASSISTANCE FOR DISADVANTAGED FARMERS AND RANCHERS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2279(a)

**CFR Citation:** 7 CFR 26

**Legal Deadline:** None

**Abstract:** This rulemaking will remove CFR part 1943, subpart C, "Small Farmer Outreach Training and Technical Assistance Program," under the Farm Service Agency and add new CFR part 26, "Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program," under the Office of the Secretary. The Food, Agriculture, Conservation and Trade Act of 1990, title XXV, section 2501 and the

Department of Agriculture Appropriation Acts provides funding for the "Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Program." These acts provide the Office of Outreach with the authority to make grants and enter into contracts, cooperative agreements, and other agreements with entities to provide outreach, training, and technical assistance; to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches; and increase their participation and accessibility to agricultural programs.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/01	66 FR 21608

Action	Date	FR Cite
NPRM Comment Period End	05/30/01	
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Herring, Special Outreach Program Coordinator, Department of Agriculture, Office of the Secretary, 1400 Independence Avenue SW, Washington, DC 29259  
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**RIN:** 0503-AA22

**BILLING CODE** 3410-90-S

**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**

Proposed Rule Stage

**436. BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM—MISCELLANEOUS CHANGES**
**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4287, subpart B; 7 CFR 4279, subpart A; 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Revisions are proposed in the following areas: Exclusion of financing agriculture production, limiting debt refinancing, criteria for reducing percent of guarantee, revising loan priority criteria, eligibility issues when an applicant is delinquent on Federal debt, title IX provisions, additional administrative guidance, tightening eligibility criteria for non-bank lenders, removing the need for a Regional Attorney review for transfers and assumptions of existing loans, limiting debt refinancing, limiting packaging fees, adjusting loan priorities, additional application requirements for certain applicants, and various other minor editorial changes.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/03	
NPRM Comment Period End	10/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John R. Dunn, Director, Cooperative Resources Management Division, Department of Agriculture, Rural Business-Cooperative Service, Room 4206/Stop 3253, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA23

**437. AFFIRMATIVE FAIR HOUSING MARKETING PLAN**
**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

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

**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

**Legal Deadline:** None

**Abstract:** This action will incorporate the requirement for housing-related projects (such as apartment buildings, nursing homes, group homes, and assisted living type facilities) to develop an Affirmative Fair Housing Marketing Plan (plan) when receiving funding from the Intermediary

Relending Program, Rural Business Enterprise Grant Program, Rural Business Opportunity Grant Program, Rural Economic Development Loan and Grant Programs, and the Business and Industry Direct and Guaranteed Loan Programs. The plan will describe strategies to attract applications from all groups in a housing market area and efforts to reach those persons in the market area who traditionally would not be expected to apply for housing. The Rural Housing Service Multifamily Housing Program regulations currently include this borrower requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Nichell Daniels, Loan Specialist, B&I Servicing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6858/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250-3224  
 Phone: 202 690-1754

**RIN:** 0570-AA24

## USDA—RBS

## Proposed Rule Stage

**438. 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	05/00/03	
NPRM Comment	07/00/03	
Period End		

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

**Agency Contact:** John R. Dunn, Director, Cooperative Resources Management Division, Department of Agriculture, Rural Business-Cooperative Service, Room 4206/Stop 3253, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA26**439. 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	04/00/03	
NPRM Comment	06/00/03	
Period End		

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

Undetermined

**Agency Contact:** Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225

Phone: 202 720-1400

**RIN:** 0570-AA28**440. ANNUAL RENEWAL FEE****Priority:** Other Significant**Legal Authority:** 7 USC 1932**CFR Citation:** 7 CFR 4279, subpart B**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service is amending its regulation for Business and Industry Guaranteed Loans to provide for an annual renewal fee. The intended effect of this rule is to reduce the subsidy rate and its associated budget authority dollar level, which will result in a greater level of assistance to the public (i.e., higher supportable loan level).

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment	03/00/03	
Period End		

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

Undetermined

**Agency Contact:** Dwight Carmon, Director, Special Project Program Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-4100  
Fax: 202 690-3808  
Email: dwight.carmon@usda.gov

**RIN:** 0570-AA34**441. ● RURAL BUSINESS INVESTMENT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 107-171, sec 6029**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act (the 2002 Farm Bill, copy of relevant provisions attached), which amended the Consolidated Farm and Rural Development Act by adding "Subtitle H — Rural Business Investment Program." Section 6029 provides that the Secretary "shall" establish the program and provides mandatory no-year funding out of the Commodity Credit Corporation at a level sufficient to guarantee \$280 million of debentures and \$44 million in grants. The purpose of the program is the establishment of equity capital investment in Rural Business Investment Companies and other entities through a combination of grants and guarantees of debentures with the objective of fostering economic development in rural areas. The program is expected to be administered by the Small Business Administration (SBA), using primarily SBA regulations. These may be supplemented with Rural Development instructions established by the Rural Business-Cooperative Service (RBS). An interagency agreement under section 1535 of title 31, United States Code, will be executed by both agencies to provide the mechanism by which SBA will deliver the program and by which RBS will provide reimbursement for SBA's services.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	
NPRM Comment	11/00/03	
Period End		

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

Undetermined

**Agency Contact:** Steve Levy, Special Initiatives Assistant, Department of Agriculture, Rural Business-Cooperative Service, Room 6901-S/STOP 3220, Washington, DC 20250  
Phone: 202 690-4100  
Email: steve.levy@usda.gov

**RIN:** 0570-AA35

**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**

**Final Rule Stage**

**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	12/00/02	

**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	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Berger, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, STOP 3225, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 720-2383  
 Fax: 202 720-6561  
 Email: diane.berger@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

**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 effective date for the set-aside was September 30, 2000.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/30/00	65 FR 64596

Action	Date	FR Cite
Interim Final Rule Effective	10/30/00	
Final Action	08/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John R. Dunn, Director, Cooperative Resources Management Division, Department of Agriculture, Rural Business-Cooperative Service, Room 4206/Stop 3253, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 690-1374  
 Email: john.dunn@usda.gov

**RIN:** 0570-AA31

**445. • RURAL BUSINESS ENTERPRISE GRANT PROGRAM—FARM BILL CHANGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1932

**CFR Citation:** 7 CFR 1942

**Legal Deadline:** None

**Abstract:** President Bush signed the Farm Bill May 13, 2002, changing the definition of rural and rural area in the Consolidated Farm and Rural Development Act for certain programs including the Rural Business Enterprise Grant (RBEG) program. The definition now reads "any area other than a city or town that has a population of greater than 50,000 inhabitants and the urbanized area contiguous and adjacent to such as a city or town." The previous definition of rural and rural area was "any area that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile." Therefore, the RBEG program, which is authorized under the Consolidated Farm and Rural Development Act, must be changed to reflect the current definition.

The Consolidated Farm and Rural Development Act also amended the definition of small and emerging private business enterprise to include nonprofit entities and other tax exempt organizations who have a principal office located on land of an existing or former Native American reservation in a city, town, or unincorporated area that has a population of not more than 5,000 inhabitants as an eligible small

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## Final Rule Stage

and emerging business regardless of the number of employees or operating capital of the enterprise.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225

Phone: 202 720-1400

**RIN:** 0570-AA36

#### 446. • B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—DEFINITION OF RURAL AND RURAL AREA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1980, subpart E; 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Section 6020 of the Act amends section 343(a) of the Consolidated Farm and Rural Development Act by changing the definition of “rural” and “rural area”

for the purposes of the B&I program to read: “Any area other than a city or town that has a population of greater than 50,000 inhabitants and the urbanized area contiguous and adjacent to such a city or town.” 7 CFR part 4279, subpart B, and 7 CFR part 1980, subpart E, must be changed to incorporate the new definition.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda Griffin, Loan Specialist, Processing Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-6802  
Email: brenda.griffin2@usda.gov

**RIN:** 0570-AA38

#### 447. • B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPAND ELIGIBILITY CRITERIA

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Section 6013 of the Act adds other renewable energy systems as an eligible loan purpose. Section 6017 expands eligibility criteria for loans to cooperatives and loan guarantees in non-rural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/03	
Interim Final Rule Comment Period End	09/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda Griffin, Loan Specialist, Processing Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-6802

Email: brenda.griffin2@usda.gov

**RIN:** 0570-AA39

## Department of Agriculture (USDA)

## Rural Business-Cooperative Service (RBS)

## Completed Actions

#### 448. THE RURAL BUSINESS ENTERPRISE GRANTS AND TELEVISION DEMONSTRATION GRANTS—SMALL/EMERGING PRIVATE BUSINESS ENTERPRISE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1942, subpart G

**Completed:**

Reason	Date	FR Cite
Final Action	10/15/02	67 FR 63536

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Amy Cavanaugh  
Phone: 202 720-1400

**RIN:** 0570-AA32

#### 449. • RURAL BUSINESS OPPORTUNITY GRANTS—DEFINITION OF RURAL AND RURAL AREAS—FARM BILL CHANGES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1926

**CFR Citation:** 7 CFR 4284

**Legal Deadline:** None

**Abstract:** President Bush signed the Farm Bill May 13, 2002, changing the definition of rural and rural area in the Consolidated Farm and Rural Development Act for certain programs including the Rural Business Opportunity Grant (RBOG) program. The definition now reads “any area other than a city or town that has a population of greater than 50,000

inhabitants and the urbanized area contiguous and adjacent to such as a city or town.” The prior definition of rural area for this program includes “any area that is not within the boundaries of a city with a population in excess of 10,000 inhabitants.” Therefore, the RBOG Program, which is authorized under the Consolidated Farm and Rural Development Act, must be changed to reflect the current definition.

The objective of the Agency is to publish a final rule Federal Register document to promulgate the changes in the Consolidated Farm and Rural Development Act into 7 CFR part 4284, subpart G. We recommend a not significant designation of significance

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from the Office of Management and Budget on the final rule. The RBOG Program has only received an appropriation from Congress for the past two fiscal years. The year-end obligations total for fiscal years 2000-2001 was \$12,849,188. The new Farm Bill increases the maximum amount of appropriations authorization from \$7.5

million to \$15 million for the RBOG Program.

**Timetable:**

Action	Date	FR Cite
Final Action	10/15/02	67 FR 63537

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225  
Phone: 202 720-1400

**RIN:** 0570-AA37

**BILLING CODE** 3410-XY-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Rural Utilities Service (RUS)

**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	12/00/02	

**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  
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**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	12/00/02	
NPRM Comment Period End	02/00/03	

**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. ENVIRONMENTAL POLICIES AND PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 to 950b; PL 103-354; 7 USC 6941 et seq

**CFR Citation:** 7 CFR 1794

**Legal Deadline:** None

**Abstract:** Based on a greater use of small-scale and distribution generation, RUS' experience and review of its existing procedures, RUS has determined that several changes are necessary for its environmental process to operate in a more effective and efficient manner.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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-AB73

**453. TECHNICAL ASSISTANCE GRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1775

**Legal Deadline:** None

**Abstract:** RUS proposes to amend the regulation to separate the technical assistance and training grant and solid waste management grant programs for clarification purposes and to bring the regulation in line with revisions to OMB circulars. Additionally, it eliminates the requirement that applicants submit a pre-application

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when applying for grant funds and transfers grant processing and servicing from the National Office to Rural Development State Offices.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**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

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**RIN:** 0572-AB75

#### 454. SPECIAL EQUIPMENT CONTRACT (NOT INCLUDING INSTALLATION), RUS FORM 398

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 CFR 6941 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** RUS is amending its regulations on Telecommunications Standards and Specifications for Materials, Equipment, and Construction to revise RUS Form 398, Special Equipment Contract (Not Including Installation).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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-AB76

#### 455. ACCOUNTING REQUIREMENTS FOR RUS TELECOMMUNICATIONS 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 1770

**Legal Deadline:** None

**Abstract:** RUS proposes to revise subpart B, Uniform System of Accounts, to reflect changes to 47 CFR part 32, Uniform System of Accounts, by the Federal Communications Commission.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**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-AB77

#### 456. 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:** RUS proposes to amend the regulation to include distributed generation projects. Also, the agency proposes to impose a maximum interest rate not to exceed more than 3 percent in excess of the RUS borrower's average interest on the notes being deferred. This 3 percent limit would be used to offset all or part of the administrative costs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62652

Action	Date	FR Cite
NPRM Comment Period End	12/09/02	
Final Action	02/00/03	

**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-AB79

#### 457. • LAUNCHING OUR COMMUNITIES ACCESS TO LOCAL TELEVISION ACT OF 2000

**Priority:** Other Significant

**Legal Authority:** 47 USC 1101 et seq; PL 106-553; PL 107-171

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) is proposing to draft regulations to implement title X, Local TV Act, of H.R. 5548. The purpose of this Act is to facilitate access, on a technology neutral basis, to signals of local television stations for households located in non-served and under-served areas.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**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

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**RIN:** 0572-AB82

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**

Final Rule Stage

**458. 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	02/00/03	

**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**459. 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**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

Action	Date	FR Cite
NPRM Comment Period End	05/25/01	
Final Action	11/00/02	

**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-AB65**460. 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	07/02/02	67 FR 44396
NPRM Comment Period End	10/30/02	
Final Action	02/00/03	

**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**461. EXEMPTIONS OF RUS OPERATIONAL CONTROLS UNDER SECTION 306E OF THE RE ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1710**Legal Deadline:** None

**Abstract:** RUS proposes to eliminate duplicative lists of requirements and to eliminate RUS notification to each borrower informing them of their exemption from operational controls status under the 110 percent rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/02	67 FR 36542
NPRM Comment Period End	06/24/02	
Final Action	11/00/02	

**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

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**RIN:** 0572-AB68**462. 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.

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**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**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-AB69

#### 463. GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED LOANS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1710**Legal Deadline:** None

**Abstract:** RUS is amending its regulations to clarify that the purchase or acquisition of existing electric facilities and implementation of demand side management and energy conservation programs, and on-grid and off-grid renewable energy systems are eligible loan purposes under the Rural Electrification Act, as amended. The rule also makes several technical corrections to conform the language of the regulations to existing law and to correct a typographical error.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/03	

**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-AB72

**464. SEISMIC SAFETY****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 42 USC 7701 et seq**CFR Citation:** 7 CFR 1792-C**Legal Deadline:** None

**Abstract:** The revision to the existing CFR is made to update the requirements of the agency. The direct final rule provides RUS borrowers, grant recipients, Rural Telephone Bank (RTB) borrowers and the public with updated rules for compliance with seismic safety requirements for new building construction using RUS or RTB loan, grant or guaranteed funds or funds provided through lien accommodations or subordinations approved by RUS or RTB.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**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

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RIN: 0572-AB74

#### 465. RECORD RETENTION REQUIREMENTS FOR RUS ELECTRIC AND TELECOMMUNICATIONS 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 1767; 7 CFR 1770**Legal Deadline:** None

**Abstract:** RUS plans to issue record retention requirements for its Electric and Telecommunications borrowers.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 0572-AB78

#### 466. USEFUL LIFE OF FACILITY DETERMINATION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1710**Legal Deadline:** None

**Abstract:** The Rural Utilities Service proposes to eliminate the requirement to use depreciation rates as found in RUS Bulletin 183-1 for determining the useful life of a facility.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17018
NPRM Comment Period End	05/09/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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RIN: 0572-AB80

#### 467. ● RURAL BROADBAND ACCESS LOANS AND LOAN GUARANTEES

**Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 107-171, 7 USC 901 et seq**CFR Citation:** 7 CFR 1738**Legal Deadline:** Final, Statutory, November 13, 2002.

**Abstract:** RUS is amending its regulations in order to establish the Rural Broadband Access Loan and Loan

## USDA—RUS

## Final Rule Stage

Guarantees Program as authorized by the Farm Security and Rural Investment Act of 2002 (Pub. L. 101-171). Section 6103 of the Farm Security and Rural Investment Act of 2002, amended the Rural Electrification Act of 1936 (RE Act), as amended, to add title VI, Rural Broadband Access, to provide loans and loan guarantees to provide funds for the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities. This rule prescribes the types of loans available, facilities financed, and eligible applicants, as well as a minimum credit support requirement to be considered for a loan. In addition, the rule prescribes the process through which RUS will consider applicants under the priority consideration and the state allocations required in title VI.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**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

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**RIN:** 0572-AB81

#### 468. • GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION PURPOSES

**Priority:** Other Significant**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 1720**Legal Deadline:** None

**Abstract:** The Farm Security and Rural Investment Act of 2002 (Farm Bill) amends the Rural Electrification Act of 1936 to include section 313A: Guarantees For Bonds And Notes Issued For Electrification Or Telephone Purposes. The Farm Bill became law on May 13, 2002, and requires the Secretary of Agriculture to promulgate regulations that carry out the amendments within 180 days. Furthermore, the implementation of the amendments shall take effect no later than 240 days.

The new section 313A: Guarantees for Bonds And Notes Issued For Electrification Or Telephone Purposes, states that the Secretary shall guarantee payments on bonds or notes issued by cooperative or other lenders organized on a not-for-profit basis. Section 313A provides limits to the amount of

guarantees, the purpose for the guarantee and qualifications of eligible lenders seeking a guarantee of a bond or note. The section also provides for a fee to be charged to lenders that receive a guarantee under section 313A, which will be deposited in the Rural Economic Development Subaccount.

The Rural Utilities Service (RUS) is proposing the development of rules that carry out the amendments made by section 313A. The rules will establish regulations that allow the Secretary to comply with the requirements outlined and set the limitations provided for in the Farm Bill.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

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

Undetermined

**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

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**RIN:** 0572-AB83

## Department of Agriculture (USDA)

## Rural Utilities Service (RUS)

## Completed Actions

#### 469. MERGERS AND CONSOLIDATIONS OF ELECTRIC BORROWERS

**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1717**Completed:**

Reason	Date	FR Cite
Final Action	09/16/02	67 FR 58323

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe

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**RIN:** 0572-AB63

**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 3821 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

## USDA—NRCS

## Proposed Rule Stage

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	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Floyd Wood, Department of Agriculture, Natural Resources Conservation Service, Watersheds and Wetlands Division, PO Box 2890, Washington, DC 20013-2890  
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**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	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Victor Cole, National EWP Leader, Department of Agriculture, Natural Resources Conservation Service, Room 6019-S, PO Box 2890, Washington, DC 20013  
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**RIN:** 0578-AA30

**472. • ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 16 USC 3839aa

**CFR Citation:** 7 CFR 1466

**Legal Deadline:** None

**Abstract:** Environmental Quality Incentive Program (EQIP) assistance promotes agricultural production and environmental quality as compatible goals, and strives to optimize environmental benefits. Through EQIP, CCC provides flexible technical, financial, and educational assistance to producers to install and maintain conservation systems that enhance soil, water, air quality, related natural resources, and wildlife while sustaining production of food and fiber. The statutory purposes of EQIP are to promote agricultural production and environmental quality as compatible goals and to optimize environmental benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0578-AA31

**473. • AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1524b

**CFR Citation:** 7 CFR 1465

**Legal Deadline:** None

**Abstract:** Through the Agricultural Management Assistance (AMA) program, the Commodity Credit Corporation (CCC) provides financial assistance funds annually to producers

in 15 statutorily designated States to construct or improve water management structures or irrigation structures, to plant trees to form windbreaks or to improve water quality; and to mitigate risk through production diversification or resource conservation practices, including soil erosion control, integrated pest management, or transition to organic farming. The AMA Program is applicable in Connecticut, Delaware, Maryland, Massachusetts, Maine, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mark W. Berkland, Director, Conservation Operations Division, Department of Agriculture, Natural Resources Conservation Service, PO Box 2890, Washington, DC 20013

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**RIN:** 0578-AA32

**474. • CONSERVATION SECURITY PROGRAM**

**Priority:** Economically Significant

**Legal Authority:** 16 USC 3838

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This program will provide assistance and cost share incentives to producers who implement or maintain conservation practices on their property.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Martha Joseph, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, Room 6027-S, P.O. Box 2890, Washington, DC 20013

## USDA—NRCS

## Proposed Rule Stage

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**475. • FARM AND RANCH LANDS PROTECTION PROGRAM**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 3838i  
**CFR Citation:** 7 CFR 1491  
**Legal Deadline:** None

**Abstract:** This program will seek to protect and help farmers and ranchers keep their land in agriculture. The program provides matching funds to State, tribal, local governments, and non-governmental organizations with existing farmland protection programs to purchase conservation easements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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RIN: 0578-AA37

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

## Final Rule Stage

**476. 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	12/00/02	

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

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RIN: 0578-AA29

**477. • THIRD-PARTY VENDOR**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 652**Legal Deadline:** None

**Abstract:** Third-party vendor assistance will allow producers to obtain technical services from the department or entities by a certification process.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

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

**Agency Contact:** Martha Joseph, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, Room 6027-S, P.O. Box 2890, Washington, DC 20013  
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RIN: 0578-AA35

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

## Long-Term Actions

**478. 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
Interim Final Rule Comment Period End	11/05/96	
Final Action	To Be Determined	

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

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RIN: 0578-AA17

**479. FORESTRY INCENTIVES PROGRAM**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 7 CFR 635; 7 CFR 701  
**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No

## USDA—NRCS

## Long-Term Actions

Government Levels Affected: None

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RIN: 0578-AA26

## Department of Agriculture (USDA)

## Completed Actions

## Natural Resources Conservation Service (NRCS)

**480. • WETLANDS RESERVE PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 3837, et seq

CFR Citation: 7 CFR 1467

Legal Deadline: None

**Abstract:** The Wetlands Reserve Program provides wetland conservation assistance through long-term easements and restoration agreements. This rule would enable the Secretary to grant a waiver if the "ownership change occurs due to foreclosure on the land and the owner of the land immediately before the foreclosure exercises a right of redemption from the mortgage holder in accordance with State law.

**Timetable:**

Action	Date	FR Cite
Final Action	06/07/02	67 FR 39254

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Roger L. Bensey, Director, Department of Agriculture, Natural Resources Conservation Service, Watersheds & Wetlands Division, P.O. Box 2890, Washington, DC 20013

Phone: 202 720-3534

RIN: 0578-AA33

**481. • WILDLIFE HABITAT INCENTIVES PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 3839bb-1

CFR Citation: 7 CFR 636

Legal Deadline: None

**Abstract:** The Farm Security and Rural Investment Act of 2002 amended the authority of the Secretary of Agriculture for the Wildlife Habitat Incentives Program (WHIP) to provide additional cost-share assistance to landowners who enter into an agreement to protect

and restore plant and animal habitat for a term of 15 years. The current regulations for WHIP require cost-share agreements to be for a term of 5 to 10 years. This change will amend the program regulation to conform to the statutory language.

**Timetable:**

Action	Date	FR Cite
Final Action	07/24/02	67 FR 48353

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Roger L. Bensey, Director, Department of Agriculture, Natural Resources Conservation Service, Watersheds & Wetlands Division, P.O. Box 2890, Washington, DC 20013

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RIN: 0578-AA34

BILLING CODE 3410-16-S

## Department of Agriculture (USDA)

## Final Rule Stage

## Office of Procurement and Property Management (OPPM)

**482. 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	01/00/03	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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[FR Doc. 02-26642 Filed 12-06-02; 8:45 am]

BILLING CODE 3410-98-S