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Part III

Department of Agriculture

Semiannual Regulatory Agenda

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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, Spring 2005

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 FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: March 18, 2005.

Geraldine Broadway,

Chief, Legislative and Regulatory Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08)	0581–AB97

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003)	0581–AC25
3	Plant Variety Protection Services, Supplemental (ST-02-02)	0581–AC31
4	National Organic Program: Amending the National List (TM-04-01), Crops and Processing	0581–AC35
5	Honey Research and Promotion (Packer/Importer Board)	0581–AC37
6	National Organic Program: National List—Crops, Livestock, and Processing (TM-04-04)	0581–AC38
7	Plant Variety Protection (PVP) Certificates: Fee Increase (ST-05-02)	0581–AC42
8	User Fees for 2005 Crop Cotton Classification Services (CN-05-001)	0581–AC43

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
9	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04)	0581–AC26
10	USDA Farmers Market Operating Procedures (TM-04-09)	0581–AC39
11	Egg, Poultry, and Rabbit Grading: Increase in Fees (2005), PY-05-001	0581–AC44

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
12	Quality Systems Verification Program (LS-02-10)	0581–AC12
13	National Dairy Promotion and Research Program (DA-02-03)	0581–AC16

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Agricultural Marketing Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
14	California Clingstone Peach Diversion Program (Tree Pull, FV05-82-01)	0581–AC45

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
15	Exemption of Organic Producers From Research and Promotion/Marketing Order Assessment (PY-02-006)	0581–AC15
16	Voluntary Shell Egg Grading Regulation—Facilities and Equipment (PY-03-005)	0581–AC33
17	Tobacco Inspection: Flue-Cured and Burley Tobacco; Importation Prohibitions and Tobacco Pesticide Residue Testing Requirements	0581–AC36

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
18	Selection of FSA State and County Committees	0560–AG90

Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
19	Appraisal Updates	0560–AH33

Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
20	Amendments to the Standards for Approval of Warehouses for Commodity Credit Corporation Storage Contracts	0560–AE50
21	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs	0560–AF60
22	Interest Assistance Program	0560–AG46
23	Ocean Freight Claims Administrative Appeal Process	0560–AG49
24	2002 Farm Bill Regulations—Assistance for Livestock Producers	0560–AG76
25	Clarification of Informal Appeals Procedures	0560–AG88
26	Environmental Compliance and Related Concerns	0560–AH02
27	Retaining Preferred Lender Program (PLP) Status, Processing Loss Claims, Payment of Interest Accrued During Bankruptcy, and Redemption Rights Periods for Guaranteed Loans	0560–AH07
28	Debt Collection, Debt Settlement, and Assignment of Payments	0560–AH09
29	Payment Limitation and Payment Eligibility; Trade Adjustment Assistance for Farmers	0560–AH16
30	Disaster Declaration and Designation	0560–AH17
31	Planting Reporting for Tropical Crops—Noninsured Crop Disaster Assistance Program	0560–AH19
32	Designated Marketing Associations for Peanuts	0560–AH20
33	Policy for Certain Commodities Available for Sale	0560–AH22
34	Conservation Contract Debt Write-Down	0560–AH23
35	American Indian Livestock Feed Program	0560–AH26
36	2004 Dairy Assistance Program	0560–AH28
37	2004 Cottonseed Program	0560–AH29
38	Confidentiality of Conservation Program Information	0560–AH32
39	Guaranteed Loans—Unauthorized Assistance	0560–AH34
40	Collection of State Commodity Assessments	0560–AH35

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Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
41	Tobacco Marketing Quota, Cards, Penalty Provisions, Recordkeeping and Reporting	0560–AG52
42	Revision of Indian Tribal Land Acquisition Program Loan Regulations	0560–AG87
43	Remove Tobacco Warehouse Designation Requirements	0560–AH13
44	Tobacco Marketing Quotas and Price Support	0560–AH14
45	Ewe Lamb Incentive Payment Program	0560–AH15
46	Nonrecourse Marketing Assistance Loan and Loan Deficiency Payment Regulations for Honey	0560–AH18
47	2004 Crop Disaster Program	0560–AH24
48	2004 Livestock Assistance Program	0560–AH25
49	Tobacco Transition Payment Program	0560–AH30
50	Tobacco Manufacturer and Importer Assessments	0560–AH31

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
51	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs	0579–AB24
52	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program	0579–AB44
53	Karnal Bunt Compensation	0579–AB45
54	Importation of Swine and Swine Products From the European Union	0579–AB79
55	Revision of Fruits and Vegetables Import Regulations (Q.56)	0579–AB80
56	Viruses, Serums, Toxins, and Analogous Products; Records and Reports	0579–AB90

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
57	Foot-and-Mouth Disease; Payment of Indemnity	0579–AB34
58	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579–AB35
59	Gypsy Moth; Interstate Movement of Regulated Articles **(Section 610 Review)**	0579–AB55
60	Pine Shoot Beetle Host Material From Canada	0579–AB76
61	Importation of Small Lots of Seed Without Phytosanitary Certificates	0579–AB78
62	Phytophthora Ramorum; Quarantine and Regulations	0579–AB82
63	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579–AB84
64	User Fees for Agricultural Quarantine and Inspection Services	0579–AB88
65	Introductions of Plants Genetically Engineered To Produce Industrial Compounds	0579–AB89

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
66	Plant Pest Regulations; Update of Current Provisions **(Section 610 Review)**	0579–AA80
67	Importation of Fuji Variety Apples From the Republic of Korea	0579–AA93
68	Phytosanitary Certificates for Imported Fruits and Vegetables	0579–AB18
69	Importation Prohibitions Because of Bovine Spongiform Encephalopathy	0579–AB26
70	Animals Destroyed Because of Tuberculosis; Payment of Indemnity	0579–AB29
71	Importation of Milk and Milk Products From FMD Countries	0579–AB38
72	Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species	0579–AB43
73	Cost-Sharing for Animal and Plant Health Emergency Programs	0579–AB50
74	Methyl Bromide; Authorization as Official Quarantine Use	0579–AB54
75	Animal Welfare; Regulations and Standards for Birds, Rats, and Mice	0579–AB69

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Animal and Plant Health Inspection Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
76	Bovine Spongiform Encephalopathy; Minimal Risk Regions and Importation of Commodities	0579–AB73
77	Requirements for Requests To Amend 7 CFR Part 319 Import Regulations	0579–AB83
78	Revision of the Nursery Stock Regulations (Q.37)	0579–AB85
79	Federal Measures to Mitigate BSE Risks: Considerations for Further Action	0579–AB86

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
80	Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins	0579–AB47
81	Karnal Bunt; Revision of Regulations for Importing Wheat	0579–AB74
82	Importation of Clementines, Mandarins, and Tangerines From Chile	0579–AB77
83	Mexican Hass Avocado Import Program	0579–AB81

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

Sequence Number	Title	Regulation Identifier Number
84	Guidelines for Hatch Multistate Research Fund	0524–AA29

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

Sequence Number	Title	Regulation Identifier Number
85	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
86	Revised Administrative Provisions—Small Business Innovation Research Grants Program	0524–AA31

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

Sequence Number	Title	Regulation Identifier Number
87	CSREES Agricultural Extension Formula Programs—Administrative Provisions	0524–AA26
88	CSREES Agricultural Research Formula Programs—Administrative Provisions	0524–AA27
89	CSREES Non-Formula Grant Programs—Administrative Provisions	0524–AA28

Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
90	Civil Rights Compliance Requirements—1901-E to 1940-D	0575–AA83
91	National Flood Insurance Regulations	0575–AC07
92	Servicing Community Programs Loans and Grants	0575–AC12
93	Self-Help Technical Assistance Grants	0575–AC20
94	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations	0575–AC27
95	3550 Regulation	0575–AC54
96	Planning and Performing Construction and Other Development	0575–AC55
97	Environmental Policies and Procedures	0575–AC56
98	Community Programs Guaranteed Loans	0575–AC58

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Rural Housing Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
99	Amend 3550 Regulation To Modify Existing Payment Assistance Formula	0575–AC59
100	Environmental Policies and Procedures	0575–AC61

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
101	Multi-Family Housing (MFH) Reinvention	0575–AC13
102	Guaranteed Single-Family Housing	0575–AC18

Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
103	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation	0575–AC28
104	Servicing of Community and Direct Business Programs Loans and Grants—Workout Agreements	0575–AC57
105	Surety Requirement	0575–AC60

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
106	General Administrative Regulations; Sanctions	0563–AB73
107	General Administrative Regulations; Actual Production History (APH)	0563–AB83
108	Common Crop Insurance Regulations and Various Crop Insurance Provisions	0563–AB96

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
109	General Administrative Regulations; Nonstandard Underwriting Classification System	0563–AB66
110	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions	0563–AB80
111	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums	0563–AB84
112	General Administrative Regulations; Subpart V—Premium Reduction Plans	0563–AB95

Grain Inspection, Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
113	Export Inspection and Weighting Waiver for High Quality Specialty Grains Transported in Containers	0580–AA87

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

Sequence Number	Title	Regulation Identifier Number
114	Process Verification Service and Associated Fees	0580–AA85

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

Sequence Number	Title	Regulation Identifier Number
115	Fees Assessed by the Service	0580–AA88

Grain Inspection, Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
116	United States Standards for Wheat	0580–AA86

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
117	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program	0584–AB51
118	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits	0584–AD12
119	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers	0584–AD15
120	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards	0584–AD25
121	Senior Farmers' Market Nutrition Program (SFMNP)	0584–AD35
122	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions	0584–AD36
123	FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171	0584–AD37
124	Child Nutrition Programs: National School Lunch Program; Serving Fruits and Vegetables as Afterschool Snacks	0584–AD40
125	Data Collection Related to Institutions, Organizations, Sites, and Facilities	0584–AD43
126	FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns	0584–AD44
127	Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions, Including Contracts With Food Service Management Companies	0584–AD45
128	FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems	0584–AD48
129	Special Nutrition Programs: Fluid Milk Substitutions	0584–AD58
130	Food Distribution Programs—Distributing Agency Evaluations of Non-Commercial Warehousing and Distribution Systems, Cost Comparisons, System Approval and Implementation	0584–AD72
131	WIC Farmers' Market Nutrition Program (FMNP): Implementation of the FMNP Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265) and FMNP Funding Formula	0584–AD74

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
132	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Provisions	0584–AB10
133	Child and Adult Care Food Program: Improving Management and Program Integrity	0584–AC24
134	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems	0584–AC37
135	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs	0584–AC72
136	FSP: Civil Rights Data Collections	0584–AC75
137	Commodity Supplemental Food Program (CSFP): Plain Language, Program Accountability, and Program Flexibility	0584–AC84
138	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs	0584–AC95
139	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments	0584–AD16
140	Afterschool Snacks Under the Child and Adult Care Food Program	0584–AD27
141	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002	0584–AD28
142	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002	0584–AD30
143	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002	0584–AD32
144	Procurement Requirements for the National School Lunch, School Breakfast, and Special Milk Programs	0584–AD38

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Food and Nutrition Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
145	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Discretionary WIC Vendor Provisions in the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265	0584–AD47
146	Severe Need Assistance in the School Breakfast Program	0584–AD50
147	District-Wide Use of Provisions 2 and 3	0584–AD51
148	Administrative Error Reduction in the School Meals Programs	0584–AD52
149	State Administrative Expenses	0584–AD53
150	Applying for Free and Reduced Price Meals in Schools	0584–AD54
151	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Maximum Age for Children in Homeless Shelters That Participate in the CACFP	0584–AD56
152	National School Lunch Program: Marketing and Sales of Fluid Milk Products in Schools	0584–AD57
153	Nutrition Standards in the National School Lunch and School Breakfast Programs	0584–AD59
154	Direct and Discretionary Certification in the School Meals Programs	0584–AD60
155	Revised Verification Procedures in the School Meals Programs	0584–AD61
156	Categorical Eligibility of Certain Migratory, Homeless, and Runaway Youth	0584–AD62
157	Food Safety Inspections, Audits, and Reports	0584–AD64
158	School Food Safety: Hazard Analysis and Critical Control Point System	0584–AD65
159	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: For-Profit Center Participation in the Child and Adult Care Food Program	0584–AD66
160	Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child Nutrition Programs	0584–AD68
161	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Permanent Agreements for Day Care Home Providers in the Child and Adult Care Food Program	0584–AD69
162	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option for Schools Participating in the National School Lunch Program	0584–AD70
163	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment	0584–AD71
164	WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265)	0584–AD73

Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
165	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity	0584–AC94
166	FSP: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171	0584–AD31

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
167	Food Stamp Program: Administrative Cost Reimbursement	0584–AC86
168	FSP: High Performance Bonuses	0584–AD29
169	WIC Farmers' Market Nutrition Program (FMNP): Funding Formula Rule	0584–AD41
170	National School Lunch and School Breakfast Programs: Fluid Milk Requirement	0584–AD55
171	Waiver of the Requirement To Use Weighted Averages in the National School Lunch and School Breakfast Programs	0584–AD63
172	Implementing Provision From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Duration of Tiering Status of Day Care Homes in the Child and Adult Care Food Program	0584–AD67

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
173	Performance Standards for Pumped or Massaged Bacon	0583–AC49

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Food Safety and Inspection Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
174	Egg Products Inspection Regulations	0583–AC58
175	Prior Labeling Approval System: Generic Label Approval	0583–AC59
176	Food Standards; General Principles and Food Standards Modernization	0583–AC72
177	Petitions for Rulemaking	0583–AC81
178	Performance Standard for Chilling of Ready-To-Cook Poultry	0583–AC87
179	Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States	0583–AD01
180	Food Security Plans	0583–AD06
181	Accredited Laboratory Program	0583–AD09
182	Sharing of Firms' Distribution Lists of Retail Consignees During Meat or Poultry Product Recalls	0583–AD10
183	Requiring Industry E. Coli O157:H7 Test Results for Raw Beef Products Be Maintained in One Specific Location in the Establishment	0583–AD11
184	Increases in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Years 2004 to 2008	0583–AD12
185	Electronic Signatures	0583–AD14

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
186	Performance Standards for the Production of Processed Meat and Poultry Products	0583–AC46
187	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products	0583–AC60
188	Performance Criteria for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses	0583–AC73
189	Food Standards: Requirements for Substitute Standardized Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and a Standardized Term	0583–AC82
190	Classes of Poultry Updating Poultry Class Standards	0583–AC83
191	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle	0583–AC88
192	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States	0583–AC91
193	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems	0583–AD00
194	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle	0583–AD03
195	Frequency of Foreign Inspection System Supervisory Visits to Certified Foreign Establishments	0583–AD08
196	Termination of Designation of the State of North Dakota With Respect to the Inspection of Poultry Products	0583–AD13

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
197	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry	0583–AD02
198	Retail Exemption	0583–AD04
199	Uniform Compliance Date for Food Labeling Regulations	0583–AD05
200	Addition of Slovakia to the List of Countries Eligible To Export Meat Products to the United States	0583–AD15

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
201	Quality Samples Program	0551–AA68

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Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
202	New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530	0551–AA65

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
203	CCC Supplier Credit Guarantee Program	0551–AA30
204	Facility Guarantee Program	0551–AA35
205	Program To Provide Technical Assistance To Promote U.S. Agricultural Exports to Emerging Markets (Emerging Markets Program)	0551–AA62

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
206	Indian Allotments on National Forest System Lands	0596–AA52
207	Species Surplus to Domestic Manufacturing Needs	0596–AB27
208	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596–AB45
209	Law Enforcement Support Activities	0596–AB61
210	Noncompetitive Sale of Timber; Timber Substitution	0596–AB70
211	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596–AB75
212	Locatable Minerals	0596–AB98
213	National Forest System Land Management Planning Directives (Proposed Directives, Forest Service Manual (FSM) 1330, 1900, and Forest Service Handbook (FSH) 1909.12)	0596–AC02
214	Grazing Permit Administration (Proposed Directives, Forest Service Handbook 2209.13, Chapters 10 and 20)	0596–AC12
215	Watershed Forestry Assistance Program	0596–AC18
216	Tribal Watershed Forestry Assistance Program	0596–AC19
217	Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations	0596–AC20
218	Predator Damage Management (Proposed Directive, Forest Service Manual, Chapter 2320)	0596–AC22
219	Recreation Event Fees (Proposed Directive, Forest Service Manual, Chapter 2720)	0596–AC24
220	Outfitter and Guide Special Use Authorizations (Proposed Directives, Forest Service Handbook 2709.11, Chapters 30 and 40)	0596–AC25
221	Secretary Determination That Domestic Species of Unprocessed Timber Are Surplus to Domestic Needs Within Zone of Southern California	0596–AC27
222	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities	0596–AC28
223	Market-Related Contract Term Additions	0596–AC29
224	Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires	0596–AC30
225	Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands	0596–AC31
226	National Environmental Policy Act (NEPA) Documentation for Sporicide Use on National Forest System Lands (Proposed Directive, Forest Service Handbook (FSH) 1909.15, Chapter 30)	0596–AC32
227	Piscicide Applications on National Forest System Lands	0596–AC33
228	National Environmental Policy Act (NEPA) Compliance Documentation for Surface Use Plans of Operation for Exploration or Development of an Oil and Gas Lease (Proposed Directive, FSH 1909.15, Chapter 3)	0596–AC34
229	Federal Lands Recreation Enhancement Act Implementation	0596–AC35
230	Wilderness Management (Proposed Directives, Forest Service Manual, Chapter 2320)	0596–AC36
231	Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations	0596–AC38

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Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
232	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596–AB21
233	Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations	0596–AB36
234	Special Forest Products and Forest Botanical Products	0596–AB81
235	Determining Fair Market Value for Recreation Residence Use Authorizations	0596–AB83
236	National Forest System Land Management Planning	0596–AB86
237	Forest Service Trails Accessibility Guidelines	0596–AB92
238	Forest Service Outdoor Recreation Accessibility Guidelines	0596–AB93
239	Community and Private Land Forest Fire Assistance Program	0596–AB96
240	Delegation of Authority To Approve Free Use by Individuals	0596–AC09
241	State Petitions for Inventoried Roadless Area Management	0596–AC10
242	Travel Management, Designated Routes, and Areas for Motor Vehicle Use	0596–AC11
243	National Forest System Appeals and Litigation (Final Directives, Forest Service Manual, Chapter 1570)	0596–AC13
244	Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003	0596–AC15
245	Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts	0596–AC16
246	Clarification as to When a Notice of Intent and/or a Plan of Operations Is Needed for Locatable Mineral Operations on National Forest System Lands	0596–AC17
247	Maximum Term for Outfitter/Guide Special Use Authorizations (Proposed Directive, Forest Service Handbook (FSH) 2709.11, Chapter 40)	0596–AC23
248	Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts)	0596–AC26

Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
249	Special Areas; Roadless Area Conservation; Applicability to National Forest System Lands in Alaska	0596–AC05
250	Climbing Bolts In Wilderness (Proposed Interim Directive, Forest Service Manual, Chapter 2320)	0596–AC21

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
251	Voluntary Labeling Program for Designated Biobased Products	0503–AA28
252	Designation of Biobased Items for Federal Procurement	0503–AA29

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
253	General Nonprocurement Regulations	0503–AA21

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
254	Guidelines for Designating Biobased Products for Federal Reference	0503–AA26

USDA

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
255	Affirmative Fair Housing Marketing Plan	0570–AA24
256	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock	0570–AA26
257	Business and Industry Loan Program—Rewrite of Program Regulations	0570–AA41
258	National Security Emergency	0570–AA48
259	Secondary Market Pooling by Fiscal Transfer Agent	0570–AA53
260	Business and Industry Guaranteed Loan Program—Implement the Debt Collection Improvement Act (DCIA) of 1996	0570–AA54
261	Equal Opportunity for Religious Organizations	0570–AA61

Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
262	Rural Economic Development Loan and Grant Program	0570–AA19
263	Annual Renewal Fee	0570–AA34
264	Rural Business Investment Program	0570–AA35
265	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria	0570–AA39
266	Intermediary Relending Program	0570–AA42
267	Fiscal Transfer Agent—Secondary Market Sales of Guaranteed Loans	0570–AA47
268	Tangible Net Equity	0570–AA49
269	Renewable Energy Systems and Energy Efficiency Improvements	0570–AA50

Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
270	Rural Business Enterprise Grant Program	0570–AA28
271	Rural Business Enterprise Grant Program—Farm Bill Changes	0570–AA36

Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
272	Telecommunications Standards and Specifications for Materials, Equipment, and Construction	0572–AB40
273	Special Equipment Contract (Not Including Installation), RUS Form 398	0572–AB76
274	Telecommunications System Construction Policies and Procedures	0572–AB98
275	Lien Accommodations and Subordinations for 100 Percent Private Financing	0572–AB99

Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
276	Servicing of Water Programs Loans and Grants	0572–AB59
277	Accounting Requirements for RUS Telecommunications Borrowers	0572–AB77
278	Elimination of Subpart M: Operational Controls	0572–AB97
279	Household Water Well System Grant Program	0572–AC00
280	Seismic Safety	0572–AC01

USDA

Rural Utilities Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
281	Exemption of Certain Borrowers From Controls	0572–AB85

Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
282	Technical Assistance Grants	0572–AB75
283	High Energy Cost Rural Community Grants **(Section 610 Review)**	0572–AB91
284	Definition Clarification of State Nonmetropolitan Median Household Income (SNMHI)	0572–AB96

Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
285	Conservation Security Program	0578–AA36
286	Grassland Reserve	0578–AA38

Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
287	Confidentiality of Conservation Program Information	0578–AA40

Natural Resources Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
288	Wetland Categorical Minimal Effects Exemptions	0578–AA27
289	Emergency Watershed Protection Program	0578–AA30
290	Technical Service Provider Assistance	0578–AA35

National Agricultural Statistical Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
291	Dairy Product Mandatory Reporting	0535–AA00

Office of Procurement and Property Management—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
292	Agriculture Acquisition Regulation (AGAR): Use of Biobased Materials	0599–AA12

USDA

Office of Procurement and Property Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
293	Agricultural Acquisition Regulation (AGAR): Updates and Technical Changes (AGAR Case 2004-01)	0599–AA11

BILLING CODE 3410—90—S

Department of Agriculture (USDA) — Prerule Stage
Agricultural Marketing Service (AMS)

1. 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: The Agricultural Marketing Service (AMS) is revising regulations pertaining to 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 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.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Richard H. Mathews, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Rm. 2510–South, 14th & Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
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Email: richard.mathews@usda.gov

RIN: 0581–AB97

Department of Agriculture (USDA) — Proposed Rule Stage
Agricultural Marketing Service (AMS)

2. 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, 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	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0581–AC25

3. PLANT VARIETY PROTECTION SERVICES, SUPPLEMENTAL (ST–02–02)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2321; 7 USC 2401

CFR Citation: 7 CFR 97

Legal Deadline: None

Abstract: This rule will 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 PVP Act of 1970. The Act requires 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 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	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Paul Zankowski, 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–AC31

4. NATIONAL ORGANIC PROGRAM: AMENDING THE NATIONAL LIST (TM–04–01), CROPS AND PROCESSING

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: On December 21, 2000, the Secretary of Agriculture (Secretary) established within the National Organic Program (NOP) the National List. The National List is the Federal list that identifies synthetic substances and ingredients that are allowed and non-synthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. Under the authority of the Organic Foods Production Act of 1990 (OFPA), as amended, the National List can be amended by the Secretary based on proposed amendments developed by the National Organic Standards Board (NOSB). This proposed rule would amend the National List to reflect recommendations submitted to the Secretary by the NOSB from October 17, 2001, through May 14, 2003. Between the specified timeframe, the NOSB has recommended that the Secretary add substances to sections 205.601, 205.605, and 205.606 of the National List based on petitions received from industry participants. These substances were evaluated by the NOSB using the criteria specified in OFPA and the NOP.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

Agency Contact: Richard H. Mathews, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Rm. 2510–South, 14th & Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
Fax: 202 205–7808
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RIN: 0581–AC35

5. HONEY RESEARCH AND PROMOTION (PACKER/IMPORTER BOARD)

Priority: Routine and Frequent

Legal Authority: 7 USC 7411 through 7425

CFR Citation: 7 CFR 1212

Legal Deadline: None

Abstract: The U.S. Department of Agriculture (Department) received a request from the National Honey Packers and Dealers Association, dated 7/8/2003, to develop an industry-funded research, promotion, consumer education, and information program for honey and honey products. This proposed new program, the Honey Research, Promotion, and Consumer Education and Industry Order (Order), will assist the honey industry to: (1) Develop and finance an effective and coordinated program to strengthen the position of the honey industry; and (2) maintain, develop, and expand existing markets for honey and honey products. Under the proposed Order, first handlers (packers) and importers of 250,000 or more pounds of honey and honey products would pay an assessment on $0.01 per pound to the National Honey Packers and Importers Board (Board). At this initial rate, revenue for the program would be approximately $3 million. Of this amount, about 47 percent would be generated by assessments on imported honey and honey products. The Board would be appointed by the Department to conduct a program of research and promotion, industry information, and consumer information needed to strengthen and increase the consumption of honey and honey products in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Yes

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–AC37

6. NATIONAL ORGANIC PROGRAM: NATIONAL LIST—CROPS, LIVESTOCK, AND PROCESSING (TM–04–04)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS), National Organic Program (NOP) is amending the National List. The National List is the Federal list that identifies synthetic substances and ingredients that are allowed and non synthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. This proposed rule would amend the National List to reflect recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) from the April 28, 2004, NOSB meeting. Between the specified time period, the NOSB has recommended that the Secretary add substances to sections 205.601, 205. 603, and 205.605 of the National List based on petitions received from industry participants. These substances were evaluated by the NOSB using the criteria specified in OFPA and NOP.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Yes

USDA—AMS

Proposed Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Tribal

Agency Contact: Richard H. Mathews, Associate Deputy Administrator, 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–AC38

7. ● PLANT VARIETY PROTECTION (PVP) CERTIFICATES: FEE INCREASE (ST–05–02)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2321 et seq; 7 USC 2401 et seq

CFR Citation: 7 CFR 97

Legal Deadline: None

Abstract: This action increases Plant Variety Protection Office application, and certificate issuance fees by approximately 20 percent to yield additional program revenue of $277,200 annually. In addition, other fees and services listed in the fee schedule will also be increased. The current fee, last increased in February 2003, is no longer adequate to cover current obligations. The program must also maintain an adequate program reserve balance called for by Agency policy and prudent financial management. In addition, program users have requested that there be greater use of electronic technology and have suggested that investments be made to enhance internal workflow, therefore, direct deposit of seed will be allowed. The Plant Variety Protection Advisory Board were consulted at the March 2003 annual meeting and recommended that fees be increased and that direct deposit of seeds be allowed.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

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, Technical Services Branch, 1400 Independence Avenue SW, Room 3523–South Building, Washington, DC 20250
Phone: 202 690–4089
Fax: 202 720–6496
Email: james.falk@usda.gov

RIN: 0581–AC42

8. ● USER FEES FOR 2005 CROP COTTON CLASSIFICATION SERVICES (CN–05–001)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 473a

CFR Citation: 7 CFR 28

Legal Deadline: None

Abstract: This rule would sustain 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Earnest Darryl, Acting Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Room 2641, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3193

RIN: 0581–AC43

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

Final Rule Stage

9. MANDATORY COUNTRY OF ORIGIN LABELING OF BEEF, PORK, LAMB, FISH, PERISHABLE AGRICULTURAL COMMODITIES, AND PEANUTS (LS–03–04)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 1621 through 1627, Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 60

Legal Deadline: Final, Statutory, September 30, 2004.

Abstract: The Farm Security and Rural Investment Act of 2002 (Farm Bill) (Pub. L. 107-171) and the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107-206) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The FY 2004 Consolidated Appropriations bill (2004 Appropriations) (Pub. L. 108-199) delayed the implementation of mandatory COOL for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. This final rule contains definitions, the requirements for consumer notification and product marking, and the recordkeeping responsibilities of both retailers and suppliers.

Timetable:

Action	Date	FR Cite
NPRM	10/30/03	68 FR 61944
NPRM Comment Period End	12/29/03	
Interim Final Rule	10/05/04	69 FR 59708
Interim Final Rule Comment Period End	01/03/05	
Interim Final Rule Effective	04/04/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

USDA—AMS

Final Rule Stage

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

Additional Information: The U.S. Department of Agriculture issued an interim final rule with request for comments for the labeling of fish and shellfish covered commodities that will become effective on April 4, 2005. A final regulatory action for all covered commodities will be issued by June 30, 2006.

Agency Contact: Kathie Birdsell, Research and Promotion Branch, Department of Agriculture, Agricultural Marketing Service, Room 2535–South, Stop 0244, Fruit and Vegetable Program, 14th and Independence Avenue SW, Washington, DC 20250–0244
Phone: 888 720–9917
Fax: 202 205–2800
Email: kathie.birdsell@usda.gov

RIN: 0581–AC26

10. • USDA FARMERS MARKET OPERATING PROCEDURES (TM–04–09)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 96

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) is establishing operating procedures for the USDA Farmers Market. These procedures would allow AMS the means to demonstrate and experiment with direct marketing techniques (operate a farmers market), while at the same time educate consumers on the significance of small farms, the nutritional benefits of fresh fruits and vegetables, and the merits of food recovery. Included in this action would be the establishment of vendor criteria, selection procedures, and guidelines for governing the operation of the USDA Farmers Market.

Timetable:

Action	Date	FR Cite
NPRM	02/17/05	70 FR 8040
NPRM Comment Period End	04/18/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Errol R. Bragg, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Room 2646, South Building, Washington, DC 20250
Phone: 202 720–8317
Fax: 202 690–0031
Email: usdafmcomments@usda.gov.

RIN: 0581–AC39

11. • EGG, POULTRY, AND RABBIT GRADING: INCREASE IN FEES (2005), PY–05–001

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 56 and 70

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/01/05	70 FR 9883
NPRM Comment Period End	03/31/05	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0581–AC44

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

Long-Term Actions

12. QUALITY SYSTEMS VERIFICATION PROGRAM (LS–02–10)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 62

Timetable:

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17611
NPRM Comment Period End	05/09/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: James L. Riva
Phone: 202 720–1124
Fax: 202 690–3428
Email: james.riva@usda.gov

RIN: 0581–AC12

13. NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM (DA–02–03)

Priority: Other Significant

CFR Citation: 7 CFR 1150

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Jamison
Phone: 202 720–6909
Fax: 202 720–0285
Email: david.jamison2@usda.gov

RIN: 0581–AC16

14. • CALIFORNIA CLINGSTONE PEACH DIVERSION PROGRAM (TREE PULL, FV05–82–01)

Priority: Other Significant

Legal Authority: 7 USC 612c

CFR Citation: 7 CFR 82

USDA—AMS

Long-Term Actions

Legal Deadline: None

Abstract: The Agricultural Marketing Service is proposing to implement this program. This program would be voluntary, consist entirely of tree removal, and ensure that removal is not part of the normal process of tree replacement. The program would help the California clingstone peach industry bring supplies more closely in line with market needs. Domestic overproduction coupled with an abundant supply of low-priced foreign produced canned peaches in recent years has resulted in both the U.S. domestic market and its traditional export markets being oversupplied.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael V. Durando, Chief, Marketing Order Administration Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237
Phone: 202 720–2491
Fax: 202 720–8938

RIN: 0581–AC45

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

Completed Actions

15. EXEMPTION OF ORGANIC PRODUCERS FROM RESEARCH AND PROMOTION/MARKETING ORDER ASSESSMENT (PY–02–006)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 900; 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; . . .

Completed:

Reason	Date	FR Cite
Final Action	01/14/05	70 FR 2763

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Angela C. Snyder
Phone: 202 720–4476
Fax: 202 720–5631

RIN: 0581–AC15

16. VOLUNTARY SHELL EGG GRADING REGULATION—FACILITIES AND EQUIPMENT (PY–03–005)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 56

Completed:

Reason	Date	FR Cite
Final Action	12/21/04	69 FR 76373

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rex A. Barnes
Phone: 202 720–3271
Fax: 202 690–3165
Email: rex.barnes@usda.gov

RIN: 0581–AC33

17. TOBACCO INSPECTION: FLUE–CURED AND BURLEY TOBACCO; IMPORTATION PROHIBITIONS AND TOBACCO PESTICIDE RESIDUE TESTING REQUIREMENTS

Priority: Other Significant

CFR Citation: 7 CFR 29; 7 CFR 92

Completed:

Reason	Date	FR Cite
Withdrawn	05/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Coats
Phone: 202 205–0508

RIN: 0581–AC36

BILLING CODE 3410—02—S

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

Proposed Rule Stage

18. SELECTION OF FSA STATE AND COUNTY COMMITTEES

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–171

CFR Citation: 7 CFR 7; 7 CFR 710

Legal Deadline: None

Abstract: This action will amend the regulations to implement the provisions of the 2002 Farm Bill relating to the establishment of FSA county, area, and local committees. The statute provides that committees shall have from three to five members, that they shall be representative of the producers in the area, and that the term of office shall not exceed 3 years. It also provides that the Secretary shall solicit nominations from organizations representing the interests of socially disadvantaged groups and, if determined necessary, promulgate uniform guidelines for conducting elections that will ensure fair representation of socially disadvantaged groups. The Secretary may also ensure inclusion of socially disadvantaged farmers by appointing one additional voting member to a committee. The rule will provide for election procedures, including nominations, opening of ballots and reporting of results. Further, the rule will eliminate community committees from the existing regulations.

Timetable:

Action	Date	FR Cite
Notice	08/17/04	69 FR 51052
Comment Period End	09/22/04	69 FR 56742
Notice	01/18/05	70 FR 2837
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 11 Agriculture, Forestry, Fishing, and Hunting

USDA—FSA

Proposed Rule Stage

Agency Contact: Tom Witzig, Director, Regulatory Review Group, 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–AG90

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

Final Rule Stage

19. ● APPRAISAL UPDATES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 761; 7 CFR 762

Legal Deadline: None

Abstract: The Farm Service Agency is amending 7 CFR parts 761 and 762 regarding appraisals required for Farm Loan Programs Direct and Guaranteed Loan Programs. Current regulations allow an appraisal of real estate that is or is proposed to be security for an FSA direct or guaranteed farm loan to be considered a current appraisal when it is not completed in the previous 12 months, if it has been updated in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). However, USPAP was recently amended to provide that an update of an appraisal does not meet USPAP standards. This amendment will make FSA regulations comply with USPAP.

Timetable:

Action	Date	FR Cite
Direct Final Rule	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 5313 Activities Related to Real Estate; 11 Agriculture, Forestry, Fishing, and Hunting; 522292 Real Estate Credit

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
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Email: phillip__elder@wdc.usda.gov

RIN: 0560–AH33

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

Long-Term Actions

20. AMENDMENTS TO THE STANDARDS FOR APPROVAL OF WAREHOUSES 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
Reinstated by Agency	10/08/03	
NPRM	11/20/03	68 FR 65412
NPRM Comment Period End	03/11/04	
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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Email: tom.witzig@usda.gov

RIN: 0560–AE50

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

Priority: Other Significant

CFR Citation: 7 CFR 7; 7 CFR 18

Timetable:

Action	Date	FR Cite
NPRM	02/09/04	69 FR 6056
NPRM Comment Period End	05/04/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig
Phone: 202 205–5851
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RIN: 0560–AF60

22. INTEREST ASSISTANCE PROGRAM

Priority: Other Significant

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

23. OCEAN FREIGHT CLAIMS ADMINISTRATIVE APPEAL PROCESS

Priority: Other Significant

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

Timetable:

Action	Date	FR Cite
NPRM	03/03/03	68 FR 9944
NPRM Comment Period End	04/02/03	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AG49

24. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS

Priority: Other Significant

CFR Citation: 7 CFR 1439

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

25. CLARIFICATION OF INFORMAL APPEALS PROCEDURES

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 780

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0560–AG88

26. ENVIRONMENTAL COMPLIANCE AND RELATED CONCERNS

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

CFR Citation: 7 CFR 799

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–AH02

27. RETAINING PREFERRED LENDER PROGRAM (PLP) STATUS, PROCESSING LOSS CLAIMS, PAYMENT OF INTEREST ACCRUED DURING BANKRUPTCY, AND REDEMPTION RIGHTS PERIODS FOR GUARANTEED LOANS

Priority: Other Significant

CFR Citation: 7 CFR 762

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–AH07

28. DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS

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

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

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Previously reported as 0560–AF22

RIN: 0560–AH09

29. PAYMENT LIMITATION AND PAYMENT ELIGIBILITY; TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Priority: Other Significant

CFR Citation: 7 CFR 1400

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–AH16

30. DISASTER DECLARATION AND DESIGNATION

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 791; 7 CFR 1945

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig
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RIN: 0560–AH17

31. PLANTING REPORTING FOR TROPICAL CROPS—NONINSURED CROP DISASTER ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1437

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–AH19

32. DESIGNATED MARKETING ASSOCIATIONS FOR PEANUTS

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

CFR Citation: 7 CFR 1421

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–AH20

33. POLICY FOR CERTAIN COMMODITIES AVAILABLE FOR SALE

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1402

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–AH22

34. CONSERVATION CONTRACT DEBT WRITE–DOWN

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1951; 7 CFR 766

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–AH23

35. ● AMERICAN INDIAN LIVESTOCK FEED PROGRAM

Priority: Other Significant

Legal Authority: PL 108–324

CFR Citation: 7 CFR 1439

Legal Deadline: None

Abstract: This action will implement provisions of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005. The Act provides payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation as a primary county by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian Livestock Feed Program.

Assistance shall be made available in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. L. 106-387; 114 Stat. 1549A-51), except that in determining the eligibility for or amount of payments under the program, a producer may not be penalized for actions (recognizing disaster conditions) that reduced the average number of livestock the producer owned for grazing in an eligible county during the production year for which assistance is being provided. Estimated outlays for FY 2005 and 2006 are $15 million.

The Act provides that the issuance of these regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') and that, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

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: Tom Witzig, Director, Regulatory Review Group, 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–AH26

36. ● 2004 DAIRY ASSISTANCE PROGRAM

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

Legal Authority: PL 108–324

CFR Citation: 7 CFR 1439

Legal Deadline: None

Abstract: This action will implement the dairy assistance provisions of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005. The Act provides $10 million to make payments to dairy producers for dairy production losses and dairy spoilage losses in counties declared a disaster by the President in 2004 due to hurricanes. Payments will be made, and prorated if necessary, after all requests for assistance are received. Outlays for FY 2005 and 2006 will be $10 million.

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, Director, Regulatory Review Group, 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–AH28

37. • 2004 COTTONSEED PROGRAM

Priority: Other Significant

Legal Authority: PL 108–324

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: This action will implement the cottonseed assistance provisions of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005. The Act provides $10 million to make payments to producers and first handlers of the 2004 crop of cottonseed in counties declared a disaster by the President in 2004 due to hurricanes. No loss is required to obtain payments. Outlays for FY 2005 and 2006 will be $10 million.

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, Director, Regulatory Review Group, 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–AH29

38. • CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION

Priority: Other Significant

Legal Authority: 16 USC 3844

CFR Citation: 7 CFR 1

Legal Deadline: None

Abstract: This rule will amend the regulations regarding confidentiality of private information obtained from NRCS and FSA conservation program applicants. The Farm Security and Rural Investment Act of 2002, provides that certain information obtained by NRCS and FSA to provide technical or financial assistance to an owner, operator, or producer with respect to any natural resources conservation program shall not be considered public information and shall not be released to anyone outside the Department of Agriculture. In particular, it provides a statutory exemption to release requirements under the Freedom of Information Act for proprietary information regarding the agricultural operation or land of an NRCS or a FSA program participant. No significant economic effect is expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AH32

39. • GUARANTEED LOANS—UNAUTHORIZED ASSISTANCE

Priority: Other Significant

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: Currently, the regulations at 7 CFR 762 provide no information on how to handle loan accounts where unauthorized assistance has been received by the guaranteed loan borrower or the guaranteed lender. The objective of the new regulation is to provide this guidance and to clarify when FSA may deny liability on a guaranteed loan.

Timetable:

Action	Date	FR Cite
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 11 Agriculture, Forestry, Fishing, and Hunting; 52211 Commercial Banking; 522292 Real Estate Credit

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RIN: 0560–AH34

40. • COLLECTION OF STATE COMMODITY ASSESSMENTS

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

Legal Authority: 7 USC 7231; 7 USC 7931; 15 USC 714b

CFR Citation: 7 CFR 1421

Legal Deadline: None

Abstract: Public Law 108-470, entitled ''Confirmation Of Authority Of Secretary Of Agriculture To Collect State Commodity Assessments,'' authorizes the Secretary to collect commodity assessments, promotion and research fees from the proceeds of marketing assistance loans for producers if the assessment is required to be paid by the producer or the first purchaser of a commodity pursuant to a State law or to an authority administered by the Secretary. The collection authority does not extend to a State tax or other State revenue activity and collections shall be made as specified in an agreement between the Secretary and the requesting State. Previously, authority to collect such assessments existed only with regard to cotton and soybeans. The new authority applies to any commodity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 11 Agriculture, Forestry, Fishing, and Hunting; 11115 Corn Farming; 111 Crop Production; 11113 Dry Pea and Bean Farming; 11112 Oilseed (except Soybean) Farming; 111191 Oilseed and Grain Combination Farming; 1111 Oilseed and Grain Farming; 11119 Other Grain

Farming; 11116 Rice Farming; 11111 Soybean Farming; 11114 Wheat Farming

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RIN: 0560–AH35

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

Completed Actions

41. TOBACCO MARKETING QUOTA, CARDS, PENALTY PROVISIONS, RECORDKEEPING AND REPORTING

Priority: Other Significant

CFR Citation: 7 CFR 723

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AG52

42. REVISION OF INDIAN TRIBAL LAND ACQUISITION PROGRAM LOAN REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 770

Completed:

Reason	Date	FR Cite
Final Action	02/11/05	70 FR 7165

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AG87

43. REMOVE TOBACCO WAREHOUSE DESIGNATION REQUIREMENTS

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	12/06/04	69 FR 70367

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AH13

44. TOBACCO MARKETING QUOTAS AND PRICE SUPPORT

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 723; 7 CFR 1464

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AH14

45. EWE LAMB INCENTIVE PAYMENT PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 784

Completed:

Reason	Date	FR Cite
Final Action	12/23/04	69 FR 76836

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AH15

46. NONRECOURSE MARKETING ASSISTANCE LOAN AND LOAN DEFICIENCY PAYMENT REGULATIONS FOR HONEY

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1434

Completed:

Reason	Date	FR Cite
Interim Final Rule Comment Period End	10/25/04	
Final Action	01/21/05	70 FR 3139

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AH18

47. • 2004 CROP DISASTER PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 108–324

CFR Citation: 7 CFR 1480

Legal Deadline: None

Abstract: This action will implement the crop disaster provisions of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005. The Act provides emergency financial assistance to producers on a farm (other than producers of (cottonseed or sugarcane) who have incurred qualifying crop or quality losses for the 2003, 2004, or 2005 crop (as elected by a producer), but limited to only one of the crop years listed, due to damaging weather or related condition, as determined by the Secretary. Qualifiying crop losses for the 2005 crop are limited to only those losses caused by a hurricane or tropical storm of the 2004 hurricane

season in counties declared disaster areas by the President. Estimated outlays for FY 2005 and 2006 are $2,803 million.

The Act provides that the issuance of these regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') and that the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Timetable:

Action	Date	FR Cite
Final Action	03/29/05	70 FR 15725

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Director, Regulatory Review Group, 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–AH24

48. • 2004 LIVESTOCK ASSISTANCE PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 108–324

CFR Citation: 7 CFR 1439

Legal Deadline: None

Abstract: This action will implement the livestock assistance provisions of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005. The Act provides payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation as a primary county by the President or the Secretary after January 1, 2003.

Assistance shall be made available in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. L. 106-387; 114 Stat. 1549A-51), except that in determining the eligibility for or amount of payments under the program, a producer may not be penalized for actions (recognizing disaster conditions) that reduced the average number of livestock the producer owned for grazing in an eligible county during the production year for which assistance is being provided. Estimated outlays for FY 2005 and 2006 are $675 million.

The Act provides that the issuance of these regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') and that, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Timetable:

Action	Date	FR Cite
Final Action	03/31/05	70 FR 16392

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Director, Regulatory Review Group, 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–AH25

49. • TOBACCO TRANSITION PAYMENT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 108–357

CFR Citation: 7 CFR 723; 7 CFR 1463; 7 CFR 1464

Legal Deadline: None

Abstract: This action will implement the program making transitional payments to tobacco quota holders and producers of tobacco, also known as the Tobacco Quota Buyout Program (TQBOP). The TQBOP will compensate tobacco quota holders and producers of tobacco for the value of their tobacco marketing quota, which will be lost as a result of the termination of the Federal tobacco quota and price support programs. The TQBOP will make payments of $7 per pound of quota to quota holders, based on their basic quota at the 2002 marketing year level and $3 per pound to producers of quota tobacco based on their share of risk in the 2002, 2003, and 2004 crops of quota tobacco. Payments will be made in equal installments over 10 years. The funds required to pay for the buyout will be obtained through assessments on manufacturers and importers of all tobacco products sold in the United States. The regulations for the assessments were promulgated in a separate rule.

The Act provides that the issuance of these regulations shall be made without regard to: (1) The notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') and that the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Outlays are limited to $10.14 billion over a 10-year period. This rule also removed from the Code of Federal Regulations, effective October 1, 2005, 7 CFR parts 723 and 1464, which governed the tobacco quota and price support programs.

Timetable:

Action	Date	FR Cite
Final Action	04/05/05	70 FR 17149

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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USDA—FSA

Completed Actions

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RIN: 0560–AH30

50. ● TOBACCO MANUFACTURER AND IMPORTER ASSESSMENTS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 108–357

CFR Citation: 7 CFR 1463

Legal Deadline: None

Abstract: This action will provide regulations for the funding of the Tobacco Quota Buyout Program (TQBOP). The TQBOP will compensate tobacco quota holders and producers of tobacco for the value of their tobacco marketing quota that will be lost as a result of the termination of the Federal tobacco quota and price support programs. The funds required to pay for the buyout will be obtained through assessments on manufacturers and importers of all tobacco products sold in the United States. Quarterly assessments will be imposed on manufacturers and importers based on their market share for each class of tobacco product. Assessments will be deposited in the Tobacco Trust Fund established in the Commodity Credit Corporation.

The Act provides that the issuance of these regulations shall be made without regard to: (1) The notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') and that the Secretary shall use the authority provided under section 808 of title 5, United States Code. Payments are limited to $10.14 billion over a 10-year period.

Timetable:

Action	Date	FR Cite
Final Action	02/10/05	70 FR 7007

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560–AH31

BILLING CODE 3410—05—S

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

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

Priority: Other Significant

Legal Authority: 7 USC 2131 to 2159

CFR Citation: 9 CFR 3

Legal Deadline: None

Abstract: The U.S. Department of Agriculture regulates the treatment of certain marine mammals under the Animal Welfare Act. The present standards for treatment of these animals have been in effect for over 10 years. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. We intend to develop amendments to the marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. The amendments would be to standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End	07/29/02	
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

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

RIN: 0579–AB24

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

Priority: Other Significant

Legal Authority: 7 USC 1622; 7 USC 8301 to 8316; 21 USC 136 to 136a; 31 USC 9701

CFR Citation: 9 CFR 93

Legal Deadline: None

Abstract: This action would harmonize APHIS' animal import requirements with regard to bovine tuberculosis with the provisions of the domestic tuberculosis eradication program. It would establish risk classification categories based on the risk of tuberculosis in foreign regions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at

http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: 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, Unit 38, Riverdale, MD 20737–1231
Phone: 301 734–4356

RIN: 0579–AB44

53. KARNAL BUNT COMPENSATION

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7712

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: We are amending the Karnal bunt regulations to provide compensation for certain growers and handlers of grain and seed affected by Karnal bunt who are not currently eligible for compensation, for certain wheat grown outside the regulated area that was commingled with wheat grown in regulated areas, and for other parties affected by the Karnal bunt regulations. The payment of compensation is necessary in order to encourage the participation of, and obtain cooperation from, affected individuals in our efforts to contain and reduce the prevalence of Karnal bunt.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561
Interim Final Rule Comment Period End	07/01/02	
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Matthew H. Royer, Senior Program Advisor, Pest Detection and Management Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 626, 4700 River Road, Unit 26, Riverdale, MD 20737–1236
Phone: 301 734–7819

Related RIN: Related to 0579–AA83

RIN: 0579–AB45

54. IMPORTATION OF SWINE AND SWINE PRODUCTS FROM THE EUROPEAN UNION

Priority: Other Significant

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 8301 to 8317; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

CFR Citation: 9 CFR 93 to 94; 9 CFR 98

Legal Deadline: None

Abstract: This rule would amend the regulations for importing animals and animal products into the United States to (1) apply a uniform set of importation requirements related to classical swine fever (CSF) to a region consisting of all of the 15 Member States of the European Union (EU) that comprise the EU as of April 30, 2004 (the EU-15) and (2) prohibit for a specified period of time the importation of live swine and swine products from any area in the EU-15 that is identified by the veterinary authorities of the region as a restricted zone.

Timetable:

Action	Date	FR Cite
NPRM	04/08/05	70 FR 17928
NPRM Comment Period End	06/07/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Chip Wells, Senior Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231
Phone: 301 734–4356

RIN: 0579–AB79

55. REVISION OF FRUITS AND VEGETABLES IMPORT REGULATIONS (Q.56)

Priority: Other Significant

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 8311; 21 USC 136 to 136a; 31 USC 9701

CFR Citation: 7 CFR 305; 7 CFR 319; 7 CFR 352

Legal Deadline: None

Abstract: This rule would revise and reorganize the regulations pertaining to the importation of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, update the regulations that apply to importations into territories under U.S. administration, and make various editorial and nonsubstantive changes to regulations to make them easier to use. The rule would also make substantive changes to the regulations, including: (1) Establishing criteria within the regulations that, if met, would allow us to approve certain new fruits and vegetables for importation into the United States and to acknowledge pest-free areas in foreign countries without undertaking rulemaking; (2) doing away with the practice of listing specific commodities that may be imported subject to certain types of phytosanitary measures; and (3) providing for the issuance of special use permits for fruits and vegetables. These changes are intended to simplify and expedite our processes for approving certain new imports and pest-free areas while continuing to allow for public participation in the processes. If adopted, the rule would represent a significant structural revision of the fruits and vegetables import regulations and would establish a new process for approving certain new commodities for importation into the United States. It would not, however, allow the importation of any specific new fruits or vegetables, nor would it alter the conditions for importing currently approved fruits or vegetables except as specifically described in this document.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

USDA—APHIS

Proposed Rule Stage

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Ms. Dorothy Roe, Department of Agriculture, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 4700 River Road, Unit 118, Suite C 3C03, Riverdale, MD 20737–1238
Phone: 301 734–8233
Fax: 301 734–8934
Email: droe@aphis.usda.gov

RIN: 0579–AB80

56. • VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; RECORDS AND REPORTS

Priority: Other Significant

Legal Authority: 21 USC 151 to 159

CFR Citation: 9 CFR 101; 9 CFR 116

Legal Deadline: None

Abstract: This proposed rule would amend the Virus-Serum-Toxin Act regulations concerning records and reports to require veterinary biologics licensees and permittees to record and submit reports to the Animal and Plant Health Inspection Service (APHIS) concerning adverse events associated with the use of biological products that they produce or distribute. We would specify the information that must be included in the adverse event report and would require veterinary biologics manufacturers to report to APHIS the number of doses of each licensed product that they distribute. These actions would assist APHIS in providing complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document, that contained fewer specifics concerning the information that would have to be recorded in adverse event reports associated with the use of veterinary biologics that are submitted to the Agency.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Albert P. Morgan, Chief Staff Veterinarian, VS, Center for Veterinary Biologics, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 148, 4700 River Road, Unit 148, Riverdale, MD 20737–1237
Phone: 301 734–8245

RIN: 0579–AB90

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

Final Rule Stage

57. FOOT–AND–MOUTH DISEASE; PAYMENT OF INDEMNITY

Priority: Other Significant

Legal Authority: 7 USC 8301 to 8317

CFR Citation: 9 CFR 53

Legal Deadline: None

Abstract: This rule would amend the regulations for the cooperative control and eradication of foot-and-mouth disease (FMD) and other serious diseases, including both cooperative programs and extraordinary emergencies. The purpose of this rule is to remove possible sources of delay in eradicating foot-and-mouth disease, should an occurrence of that disease occur in this country, so that eligible claimants will be fully compensated while at the same time protecting the U.S. livestock population from the further spread of this highly contagious disease.

Timetable:

Action	Date	FR Cite
NPRM	05/01/02	67 FR 21934
NPRM Comment Period Extended	06/28/02	67 FR 43566
NPRM Comment Period End	07/01/02	
NPRM Comment Period End	07/31/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Mark Teachman, Senior Staff Veterinarian, Emergency Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 41, 4700 River Road, Unit 41, Riverdale, MD 20737–1231
Phone: 301 734–8073

RIN: 0579–AB34

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

Priority: Other Significant

Legal Authority: 7 USC 8301 to 8316

CFR Citation: 9 CFR 55; 9 CFR 81

Legal Deadline: None

Abstract: This rulemaking would establish requirements for the interstate movement of farmed elk and deer and provide indemnity for the depopulation of farmed elk and deer that have been infected with, or exposed to, chronic wasting disease (CWD).

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/08/02	67 FR 5925
Interim Final Rule Comment Period End	04/09/02	
NPRM	12/24/03	68 FR 74513
NPRM Comment Period End	02/23/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Dean Goeldner, Staff Veterinarian, National Center for Animal Health Programs, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1231
Phone: 301 736–4916

RIN: 0579–AB35

59. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to 7754; 7 USC 7760; 21 USC 136 to 136a

CFR Citation: 7 CFR 301; 7 CFR 319

Legal Deadline: None

Abstract: This rule would amend the gypsy moth regulations by removing restrictions on the interstate movement of wood chips, which do not pose a risk of containing gypsy moth egg masses, and by adding restrictions on the movement and importation of bark and bark products, which pose a risk of containing gypsy moth egg masses. In addition, the rule would extend by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by the Animal and Plant Health Inspection Service, our cooperators, and industry in order to limit the artificial spread of gypsy moth.

Timetable:

Action	Date	FR Cite
NPRM	05/23/03	68 FR 28157
NPRM Comment Period End	07/22/03	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Weyman Fussell, Program Manager, Invasive Species and Pest Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Unit 134, Riverdale, MD 20737–1236
Phone: 301 734–5705

RIN: 0579–AB55

60. PINE SHOOT BEETLE HOST MATERIAL FROM CANADA

Priority: Other Significant

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

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: This rulemaking would establish restrictions on the importation of pine shoot beetle host material into the United States from Canada. Pine nursery stock, as well as pine products that consist of pine bark or have pine bark attached, would have to meet certain requirements relating to documentation, treatment, handling, and utilization as a condition of importation into the United States from Canada. These restrictions are needed to help prevent the introduction and spread of pine shoot beetle, a pest of pine trees, into noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/04	69 FR 61577
Interim Final Rule Comment Period End	12/20/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Frederick A. Thomas, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737–1236
Phone: 301 734–8367

RIN: 0579–AB76

61. IMPORTATION OF SMALL LOTS OF SEED WITHOUT PHYTOSANITARY CERTIFICATES

Priority: Other Significant

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

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: This rulemaking would amend the nursery stock regulations to allow the importation of small lots of seed under an import permit with specific conditions as an alternative to the current phytosanitary certificate requirement. This proposed change is necessary because several entities that import small lots of seed—individual importers, horticultural societies, arboreta, and small businesses—have had difficulty obtaining the necessary certificates and have been adversely affected by the phytosanitary certificate requirement. The proposed change would make it feasible for those entities to import small lots of seed and would ensure prompt and consistent service for such importers while continuing to protect against the introduction of plant pests into the United States and providing the Animal and Plant Inspection Service with necessary information about the quality, quantity, and diversity of the imported material.

Timetable:

Action	Date	FR Cite
NPRM	04/29/04	69 FR 23451
NPRM Comment Period End	06/28/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Arnold T. Tschanz, Senior Staff Officer, Regulatory Coordination Staff, PPQ, Department of Agriculture, Animal and Plant Health

Inspection Service, Unit 141, 4700 River Road, Unit 141, Riverdale, MD 20737–1236
Phone: 301 734–5306

RIN: 0579–AB78

62. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: We are considering actions to further regulate the movement of certain articles to prevent the spread of Phythopthera ramorum to non-infested areas of the United States. These actions may include expanding the quarantined area, revising the approach to quarantine, and developing new strategies to address new risks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Jonathan Jones, National Phytophthora Ramorum Program Manager, Pest Detection and Management Program, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737
Phone: 301 734–8247

RIN: 0579–AB82

63. INTERSTATE MOVEMENT OF SHEEP AND GOATS; APPROVED LIVESTOCK FACILITIES, IDENTIFICATION, AND RECORDKEEPING REQUIREMENTS

Priority: Other Significant

Legal Authority: 7 USC 8301 to 8317

CFR Citation: 9 CFR 71

Legal Deadline: None

Abstract: This rulemaking would amend the regulations regarding the interstate movement of animals to require livestock facilities that handle sheep or goats in interstate commerce to be approved by us. This would include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. Our approval would be contingent on the facility operator meeting certain minimum standards and other conditions relating to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. The standards and other conditions would be based, in part, on recently implemented regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats. This rule would provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52451
NPRM Comment Period End	10/25/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Diane Sutton, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Unit 43, Riverdale, MD 20737–1235
Phone: 301 734–6954

RIN: 0579–AB84

64. USER FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 7701 to 7772; 7 USC 8301 to 8317; 21 USC 136 to 136a; 49 USC 80503

CFR Citation: 7 CFR 354

Legal Deadline: None

Abstract: This rule will amend the user fee regulations by adjusting the fees charged for certain agricultural quarantine and inspection (AQI) services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the customs territory of the United States. Due to the events of September 11, 2001, and the resulting increased security concerns, a greater volume and variety of cargo entering the United States is being inspected. The fee adjustments are needed to recover the costs of this increased inspection activity and to account for routine inflationary increases in the cost of doing business. The adjusted AQI user fees will cover fiscal years 2005 through 2010.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/09/04	69 FR 71660
Interim Final Rule Effective	01/01/05	
Interim Final Rule Comment Period End	02/07/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: Jennifer Lemly, Staff Officer, Quarantine Policy, Analysis and Support Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 60, Riverdale, MD 20737–1232
Phone: 301 734–5901

Donna Ford, Branch Chief, Financial Services Branch, FMD, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Unit 54, Riverdale, MD 20737–1232
Phone: 301 734–5901

RIN: 0579–AB88

USDA—APHIS — Final Rule Stage

65. ● INTRODUCTIONS OF PLANTS GENETICALLY ENGINEERED TO PRODUCE INDUSTRIAL COMPOUNDS

Priority: Other Significant

Legal Authority: 7 USC 1622n; 7 USC 7701 to 7772; 31 USC 9701

CFR Citation: 7 CFR 340

Legal Deadline: None

Abstract: This action will adopt as a final rule, without change, an interim rule that amended the regulations regarding genetically engineered organisms to require that introductions of plants genetically engineered to encode compounds for industrial use be conducted only under permit. Prior to the interim rule, such introductions could be accomplished under notification, an expedited permitting procedure. The interim rule was necessary to strengthen the regulations for introductions of this small subgroup of genetically engineered plants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/06/03	68 FR 46434
Interim Final Rule Effective	08/06/03	
Interim Final Rule Comment Period End	10/06/03	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: APHIS documents published in the Federal Register and related information are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

Agency Contact: John Turner, Director, Policy Division, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 146, Riverdale, MD 20737–1238 Phone: 301 734–8365

RIN: 0579–AB89

Department of Agriculture (USDA) — Long-Term Actions
Animal and Plant Health Inspection Service (APHIS)

66. 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 Period End	12/26/96	
NPRM	10/09/01	66 FR 51340
NPRM Comment Period End	02/06/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Flanders Phone: 301 734–5930

RIN: 0579–AA80

67. IMPORTATION OF FUJI VARIETY APPLES FROM THE REPUBLIC OF KOREA

Priority: Other Significant

CFR Citation: 7 CFR 319.56–2cc

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
NPRM Comment Period End	10/23/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Karen Bedigian Phone: 301 734–4382

RIN: 0579–AA93

68. 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 Period End	10/29/01	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Karen Bedigian Phone: 301 734–4382

RIN: 0579–AB18

69. 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
Interim Final Rule	08/14/01	66 FR 42595
IRM Retroactively Effective	12/07/00	
Sec 95.29 Effective	08/14/01	
Interim Final Rule 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

70. 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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Terry Beals
Phone: 405 427–2998

RIN: 0579–AB29

71. IMPORTATION OF MILK AND MILK PRODUCTS FROM FMD COUNTRIES

Priority: Other Significant

CFR Citation: 9 CFR 94

Timetable:

Action	Date	FR Cite
NPRM	02/18/03	68 FR 7722
NPRM Comment Period End	04/21/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen A. James–Preston
Phone: 301 734–4356

RIN: 0579–AB38

72. RISK REDUCTION STRATEGIES FOR POTENTIAL BSE PATHWAYS INVOLVING DOWNER CATTLE AND DEAD STOCK OF CATTLE AND OTHER SPECIES

Priority: Other Significant

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
ANPRM	01/21/03	68 FR 2703
ANPRM Comment Period End	03/24/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lisa Ferguson
Phone: 301 734–8073

RIN: 0579–AB43

73. COST–SHARING FOR ANIMAL AND PLANT HEALTH EMERGENCY PROGRAMS

Priority: Other Significant

CFR Citation: 7 CFR 373; 9 CFR 60

Timetable:

Action	Date	FR Cite
NPRM	07/08/03	68 FR 40541
NPRM Comment Period End	11/07/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: William S. Wallace
Phone: 301 734–5136

RIN: 0579–AB50

74. METHYL BROMIDE; AUTHORIZATION AS OFFICIAL QUARANTINE USE

Priority: Other Significant

CFR Citation: 7 CFR 304

Timetable:

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49824
NPRM Comment Period End	10/12/04	
NPRM Comment Period Extended	10/12/04	69 FR 60567
NPRM Comment Period End	11/12/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

Agency Contact: Inder Paul Gadh
Phone: 301 734–6799

RIN: 0579–AB54

75. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS, RATS, AND MICE

Priority: Other Significant

CFR Citation: 9 CFR 2 to 3

Timetable:

Action	Date	FR Cite
ANPRM	06/04/04	69 FR 31537
ANPRM Comment Period End	08/03/04	
ANPRM Comment Period Extended	07/21/04	69 FR 43538
ANPRM Comment Period End	11/01/04	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jerry DePoyster
Phone: 301 734–7586

Related RIN: Related to 0579–AB87

RIN: 0579–AB69

76. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL RISK REGIONS AND IMPORTATION OF COMMODITIES

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 9 CFR 93 to 95

Timetable:

Action	Date	FR Cite
NPRM	11/04/03	68 FR 62386
NPRM Comment Period End	01/05/04	
NPRM Comment Period Reopened	03/08/04	69 FR 10633
NPRM Comment Period End	04/07/04	
Final Action	01/04/05	70 FR 460
Final Action Effective	03/07/05	
Notice of Availability of an EA	01/21/05	70 FR 3183
Comment Period End	02/17/05	
Final Action: Delaying Applicability of Certain Provisions	03/11/05	70 FR 12112
Affirmation of Final Rule	04/08/05	70 FR 18252
Final Rule Effective	04/08/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Karen A. James–Preston
Phone: 301 734–4356

RIN: 0579–AB73

77. REQUIREMENTS FOR REQUESTS TO AMEND 7 CFR PART 319 IMPORT REGULATIONS

Priority: Other Significant

CFR Citation: 7 CFR 319

Timetable:

Action	Date	FR Cite
NPRM	10/28/04	69 FR 62823
NPRM Comment Period End	12/27/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ronald Sequeira

USDA—APHIS

Long-Term Actions

Phone: 919 513–2663

RIN: 0579–AB83

78. REVISION OF THE NURSERY STOCK REGULATIONS (Q.37)

Priority: Other Significant

CFR Citation: 7 CFR 319

Timetable:

Action	Date	FR Cite
ANPRM	12/10/04	69 FR 71736
ANPRM Comment Period End	03/10/05	
Comment Period Extended	03/10/05	70 FR 11886
Comment Period End	04/11/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Arnold T. Tschanz
Phone: 301 734–5306

RIN: 0579–AB85

79. FEDERAL MEASURES TO MITIGATE BSE RISKS: CONSIDERATIONS FOR FURTHER ACTION

Priority: Other Significant

CFR Citation: 9 CFR 50 to 85

Timetable:

Action	Date	FR Cite
ANPRM	07/14/04	69 FR 42288
ANPRM Comment Period End	09/13/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: S. Anne Goodman
Phone: 301 734–4356

RIN: 0579–AB86

Department of Agriculture (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

80. AGRICULTURAL BIOTERRORISM PROTECTION ACT OF 2002; POSSESSION, USE, AND TRANSFER OF BIOLOGICAL AGENTS AND TOXINS

Priority: Other Significant

CFR Citation: 7 CFR 331; 9 CFR 121

Completed:

Reason	Date	FR Cite
Emergency Approval of an Information Collection	03/18/05	70 FR 13159
Comment Period End	03/28/05	
Final Action	03/18/05	70 FR 13242
The Amendments to the List of PPQ Select Agents and Toxins Effective	03/10/05	
Remaining Provisions of the Final Rule Effective	04/18/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State

Agency Contact: Lee Ann Thomas
Phone: 301 734–5960

Charles L. Divan
Phone: 301 734–8758

RIN: 0579–AB47

81. KARNAL BUNT; REVISION OF REGULATIONS FOR IMPORTING WHEAT

Priority: Other Significant

CFR Citation: 7 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	02/18/05	70 FR 8229
Final Action Effective	03/21/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jeanne Van Dersal
Phone: 301 734–6653

RIN: 0579–AB74

82. IMPORTATION OF CLEMENTINES, MANDARINS, AND TANGERINES FROM CHILE

Priority: Other Significant

CFR Citation: 7 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	12/10/04	69 FR 71691
Final Action Effective	01/10/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeanne Van Dersal
Phone: 301 734–6653

RIN: 0579–AB77

83. MEXICAN HASS AVOCADO IMPORT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 7 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	11/30/04	69 FR 69748
Final Action Effective	01/31/05	
Correction	02/10/05	70 FR 6999

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Karen Bedigian
Phone: 301 734–4382

RIN: 0579–AB81

BILLING CODE 3410—34—S

Department of Agriculture (USDA) — Proposed Rule Stage

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

84. GUIDELINES FOR HATCH MULTISTATE RESEARCH FUND

Priority: Other Significant

Legal Authority: 7 USC 361c

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The guidelines will be the administrative provisions for the Hatch Multistate Research Funds allocated to the State Agricultural Experiment Stations. This rule also includes the allocation and distribution method for these funds.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janet Downey, Staff Accountant, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Waterfront Centre, 800 9th Street SW, Washington, DC 20024
Phone: 202 205–0453
Fax: 202 401–3481
Email: jdowney@csrees.usda.gov

RIN: 0524–AA29

Department of Agriculture (USDA) — Final Rule Stage

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

85. 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	04/29/03	68 FR 23014
NPRM Comment Period End	06/30/03	
Final Action	06/00/05	

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

86. • REVISED ADMINISTRATIVE PROVISIONS—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM

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

Legal Authority: 15 USC 638; PL 99–591, 100 Stat 3341; PL 106–554

CFR Citation: 7 CFR 3403

Legal Deadline: None

Abstract: CSREES proposes revising the existing administrative provisions for the Small Business Innovation Research Grants Program Administrative Regulations to implement changes compliant with the Small Business Innovation Research Policy Directive (67 FR 60072) of September 24, 2002.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Winston Sherman, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250–2299
Phone: 202 401–5061

RIN: 0524–AA31

Department of Agriculture (USDA) — Long-Term Actions

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

87. CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellen Danus
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Email: edanus@reeusda.gov

RIN: 0524–AA26

88. CSREES AGRICULTURAL RESEARCH FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

USDA—CSREES

Long-Term Actions

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellen Danus
Phone: 202 401–4325
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RIN: 0524–AA27

89. CSREES NON–FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 3427; 7 CFR 3400; 7 CFR 3402; 7 CFR 3405; 7 CFR 3406; . . .

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Erin Daly
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RIN: 0524–AA28

BILLING CODE 3410—09—S

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

Proposed Rule Stage

90. 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: The Agency intends to publish a proposed rule to 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 exists due to noncompliance with recently enacted Civil Rights legislation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

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: carlton.lewis@usda.gov

RIN: 0575–AA83

91. 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	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Linda Rodgers, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, STOP 0761, Room 6900, Washington, DC 20250–0761
Phone: 202 720–9647
Email: linda.rodgers@usda.gov

RIN: 0575–AC07

92. 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 will consolidate seven regulations containing Community Facility (CF) servicing information into one, streamlined regulation. The Agency will also make changes to improve the servicing options available to CF borrowers. The goal is to work with borrowers to enable them to continue operating and providing essential community services to rural residents. This consolidation and the proposed changes will improve service to borrowers and will ensure

that the Government's investment is protected and maximized. The proposed action will have no financial impact on the public or the Agency. The consolidation and revisions of these regulations will be in the best interest of the Government and the public.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0575–AC12

93. 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	06/00/05	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carolyn Bell, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–1532
Fax: 202 720–2232

RIN: 0575–AC20

94. 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: The Rural Housing Service is seeking to consolidate, simplify, and update its 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	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Angela Lausman, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 0183/STOP 0787, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0575–AC27

95. 3550 REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1472

CFR Citation: 7 CFR 3550

Legal Deadline: None

Abstract: Rural Housing Service intends to revise the definitions of new and existing dwellings to remove the reference to a 10-year warranty plan; remove requirement that all CLT imposed restrictions terminate upon foreclosure by the Agency; remove dollar limits and use 1 percent of insurance coverage on loss deductible clauses with the objective of recognizing the increasing cost of home ownership insurance due to higher cost of home purchase; and require homeowner education for new home buyers.

This package has been separated into two rules. All revisions, except the homeowner education requirement and the CLT, were published as a direct final rule. The agency is in the process of developing a proposed rule to implement the homeowner education requirement.

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/08/05	70 FR 6551
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janet Carter, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0783, Washington, DC 20250–0783
Phone: 202 720–1489
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Email: janet.carter@usda.gov

RIN: 0575–AC54

96. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

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

Legal Authority: 7 USC 1926; 42 USC 1472; 42 USC 1476; 42 USC 1479; 42 USC 1490

CFR Citation: 7 CFR 1924, subpart A; 7 CFR 1924, subpart C; 7 CFR 1942, subpart A

Legal Deadline: None

Abstract: The Rural Housing Service (RHS) is consolidating, simplifying, and updating the Agency standards for planning and developing sites and buildings to bring them in line with contemporary industry standards. This

Agency regulation will contain the policies and procedures for planning and developing sites and buildings proposed for RHS financial assistance. This effort will produce a user-friendly tool to help program constituents, rural communities, and Agency personnel. The consolidation effort will also bring the requirements of these two regulations in line with the Agency's Single Family Housing, Multi-Family Housing, Community Programs, and Business and Industry regulations and handbooks. This action will have no financial impact on the public or Agency. These consolidations and technical revisions are in the best interest of the Government and public. This is a positive and needed action in RHS program delivery and will add value to the access and delivery of the Agency's programs.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Keith A. Suerdieck, Deputy Director, Program Support Staff, Department of Agriculture, Rural Housing Service, 6th Floor, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250–0761
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RIN: 0575–AC55

97. ENVIRONMENTAL POLICIES AND PROCEDURES

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 1794; 7 CFR 1901, subpart F; 7 CFR 1940, subpart G; 7 CFR 1940, subpart J

Legal Deadline: None

Abstract: The Rural Development Agencies (Rural Housing Service, Rural Utilities Service, and Rural Business-Cooperative Service) are seeking to consolidate, simplify, and update the different Agency environmental requirements into a common environmental regulation. This Rural Development regulation will replace 7 CFR 1794, the current RUS environmental regulation and 7 CFR 1940-G, the current RHS/RBS environmental regulation. This consolidation effort will produce a single user-friendly tool to help the program constituents, rural communities, and personnel of the Rural Development Agencies and bring the environmental requirements of Agency actions in line with the environmental requirements of other Federal programs for similar actions.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Rodgers, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, STOP 0761, Room 6900, Washington, DC 20250–0761
Phone: 202 720–9647
Email: linda.rodgers@usda.gov

RIN: 0575–AC56

98. COMMUNITY PROGRAMS GUARANTEED LOANS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 3575, subpart A

Legal Deadline: None

Abstract: The Rural Housing Service proposes to amend its regulations utilized to service the Community Facilities guaranteed loan program by adding terms and definitions applicable to this subpart, amend or add existing regulation to establish reporting responsibilities for lenders participating in the program, and amend or add regulation to clarify program parameters in making, guaranteeing, holding, servicing, or liquidating guaranteed loans. The intended effect of this action is to provide a precise understanding of terms as they apply to eligibility and program implementation and maintenance, and to establish accountability for adequate servicing on guaranteed loans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kendra L. Doedderlein, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0787, Washington, DC 20250–0787
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Fax: 202–690–0471
Email: kendra.doedderlein@usda.gov

RIN: 0575–AC58

99. AMEND 3550 REGULATION TO MODIFY EXISTING PAYMENT ASSISTANCE FORMULA

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In 1996, a new payment assistance formula was implemented to provide assistance to Rural Housing Service customers to make homeownership affordable through the section 502 Direct Loan Program. No analysis has been conducted on the formula and its actual impacts since the change was implemented. Anecdotal information reveals that the formula may result in disparate treatment for some customers, especially those in the more rural counties. In addition, the formula is complex and difficult to explain to customers and partners. USDA has contracted for a study of the formula to determine the extent of disparate or unintended borrower treatments/consequences of the existing formula and develop more equitable and simplified alternatives to provide payment assistance to our customers without increasing the cost of the program to the Government. The Agency intends to solicit public comments on potential alternatives to the current formula and to publish

USDA—RHS — Proposed Rule Stage

proposed and final rule changes to the formula.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Michael S. Feinberg, Acting 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–AC59

100. • ENVIRONMENTAL POLICIES AND PROCEDURES

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 1970; 7 CFR 1794; 7 CFR 1940

Legal Deadline: None

Abstract: The Rural Development Agencies (Rural Housing Service, Rural Utilities Service, and Rural Business-Cooperative Service) are consolidating, simplifying, and updating the different Agency environmental requirements into a common environmental regulation. This rule identifies other environmental requirements that will makeup subparts H through N. Subpart H is an update of 7 CFR part 1901-F required by amendments to the National Historic Preservation Act; subpart I is an update of 7 CFR part 1940-J due to elimination of A-95 clearinghouses by State governments; subpart J consolidates existing Rural Development policies on due diligence and clean ups; subpart K is an update of 1940-G, Exhibit C; subpart L is a restatement of existing policies in 7 CFR part 1924-A, which will be eliminated by that regulation revision; subpart M is a staff instruction; and subpart N is primarily staff instruction, with public instruction to refer to the laws.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Davis, Director, Program Support Staff, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0761, Washington, DC 20250
Phone: 202 720–9619

RIN: 0575–AC61

Department of Agriculture (USDA) Rural Housing Service (RHS) — Final Rule Stage

101. MULTI–FAMILY HOUSING (MFH) REINVENTION

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: The Rural Housing Service (RHS) has consolidated and streamlined the regulations pertaining to section 515 Rural Rental Housing, section 514 Farm Labor Housing Loans, section 516 Farm Labor Housing Grants, and section 521 Rental Assistance Payments. Fourteen published regulations have been reduced to one regulation and handbooks for program administration. This will simplify loan origination and portfolio management for applicants, borrowers, and housing operators, as well as Rural Development field staff. This also provides flexibility for program modifications to reflect current and foreseeable changes. It reduces regulations that address solely internal Agency program administration. Finally, the regulation is more customer-friendly and responsive to the needs of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/02/03	68 FR 32872
NPRM Comment Period End	08/01/03	
Interim Final Rule	11/26/04	69 FR 69032
Interim Final Rule Comment Period End	12/27/04	
Interim Final Rule Effective	02/24/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sue Harris–Green, Deputy Director, Multi–Family Housing Direct Loans, Department of Agriculture, Rural Housing Service, 6th Floor, Stop 0782, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–1660
Fax: 202–690–3444
Email: susie.harris@usda.gov

Related RIN: Merged with 0575–AC24

RIN: 0575–AC13

102. 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	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Roger Glendenning, Director, Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, Room 2248/Stop 0784, 1400 Independence Avenue SW, STOP 0784, Washington, DC 20250–0780
Phone: 202 720–1480
Fax: 202 205–2476
Email: roger.glendenning@usda.gov

RIN: 0575–AC18

Department of Agriculture (USDA) Rural Housing Service (RHS) — Completed Actions

103. GUARANTEED RURAL RENTAL HOUSING PROGRAM—SECONDARY MORTGAGE MARKET PARTICIPATION

Priority: Other Significant

CFR Citation: 7 CFR 3565

Completed:

Reason	Date	FR Cite
Final Action	01/19/05	70 FR 2927

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Douglas MacDowell
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RIN: 0575–AC28

104. SERVICING OF COMMUNITY AND DIRECT BUSINESS PROGRAMS LOANS AND GRANTS—WORKOUT AGREEMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1951; 7 CFR 1956

Completed:

Reason	Date	FR Cite
Final Action	12/08/04	69 FR 70883
Final Action Effective	01/07/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel Spieldenner
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RIN: 0575–AC57

105. • SURETY REQUIREMENT

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 1924

Legal Deadline: None

Abstract: The regulation requires that surety be provided when the construction contract exceeds $100,000. The direct final rule changes the surety requirements from a $100,000 contract amount to the Rural Development Single Family Housing area lending limits, which will vary with the locality. This will liberalize the requirement for surety and take into account the increase in construction cost of single family homes in the Rural Development's Single Family Housing Program. This should ease the burden on small contractors for whom obtaining surety is difficult and expensive, additionally reducing costs to our single family housing borrowers.

Timetable:

Action	Date	FR Cite
Direct Final Rule	01/07/05	70 FR 1325

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michel Mitias, Architect–Program Support Staff, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0761, Washington, DC 20250
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RIN: 0575–AC60

BILLING CODE 3410—XV—S

Department of Agriculture (USDA) Federal Crop Insurance Corporation (FCIC) — Proposed Rule Stage

106. 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.

USDA—FCIC

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Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

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

107. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY (APH)

Priority: Other Significant

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

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: The purpose of this rule is to update the rules governing establishment and maintenance of APH databases by incorporating changes in the Common Crop Insurance Provisions—Basic Provisions as mandated by the Agricultural Risk Protection Act of 2000 (ARPA) and to incorporate existing Risk Management Agency procedures and language used in procedural handbooks and crop insurance provisions and making other changes and clarifications to better meet the needs of insureds.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

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

108. ● COMMON CROP INSURANCE REGULATIONS AND VARIOUS CROP INSURANCE PROVISIONS

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

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Basic Provisions and crop provisions for the Common Crop Insurance Policy are published in 7 CFR part 457. The Income Protection (IP) plan of insurance is a pilot program. The Crop Revenue Coverage (CRC) and the Revenue Assurance (RA) plans of insurance programs approved by the FCIC Board of Directors under 508(h) of the Federal Crop Insurance Act. IP, CRC, and RA are revenue products, and have many duplicate features between them and the Common Crop Insurance Policy Basic Provisions and applicable crop provisions. Therefore, IP, CRC, and RA will be combined into the Common Crop Insurance Policy Basic Provisions and small grains, cotton, coarse grains, malting barley, rice, canola, and rapeseed crop provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

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
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RIN: 0563–AB96

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

Final Rule Stage

109. GENERAL ADMINISTRATIVE REGULATIONS; NONSTANDARD UNDERWRITING CLASSIFICATION SYSTEM

Priority: Other Significant

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

CFR Citation: 7 CFR 400

Legal Deadline: None

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

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

RMA examined increasing premium rates based on producers' lower APH yields and using a surcharge based on use of the yield floor (or some other identifiable indicator of adverse experience) to determine if these measures would adequately address the need to increase premiums for those producers with the most adverse loss histories based on the frequency and severity of losses. After reviewing past NCS experience on the existing book of business, it was determined that appropriate rate increases for those producers whose APH yields were less than average would compensate entirely for the elimination of NCS.

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

— Removed and reserved the current NCS regulation (7 CFR part 400, subpart O) by publishing a proposed rule in the Federal Register. The final

rule is pending clearance; however, the Agency proceeded with the process and has waived NCS since 1999.

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

Timetable:

Action	Date	FR Cite
ANPRM	09/17/97	62 FR 48798
ANPRM Comment Period End	10/17/97	
NPRM	09/02/98	63 FR 46703
NPRM Comment Period End	10/19/98	
Final Action	06/00/05	

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

110. COMMON CROP INSURANCE REGULATIONS; NURSERY CROP INSURANCE PROVISIONS

Priority: Other Significant

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 for the 2006 crop year to: Specify that container grown and field grown plants are separate crops, provide optional units by location for field grown nursery plants, incorporate the ''lower of'' rule into section 6 of the provisions, permit insureds to purchase insurance coverage on a year-round basis, and incorporate provisions to provide a rehabilitation payment for plants damaged by an insured cause of loss.

Timetable:

Action	Date	FR Cite
NPRM	08/09/04	69 FR 48166
NPRM Comment Period End	10/08/04	
NPRM Comment Period Extended	11/22/04	69 FR 60320
Final Action	06/00/05	

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

111. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563–AB84

112. ● GENERAL ADMINISTRATIVE REGULATIONS; SUBPART V—PREMIUM REDUCTION PLANS

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

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

CFR Citation: 7 CFR Part 400

Legal Deadline: None

Abstract: The purpose of this proposed rule is to begin the process of promulgating regulations for the implementation of the Federal Crop Insurance Corporation's obligations to review, evaluate, approve, and regulate premium reduction plans in accordance with section 508(e)(3) of the Federal Crop Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	02/24/05	70 FR 9001
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Craig Witt, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Washington, DC 20250 Phone: 202 690–2539

RIN: 0563–AB95

BILLING CODE 3410—08—S

Department of Agriculture (USDA) — Final Rule Stage
Grain Inspection, Packers and Stockyards Administration (GIPSA)

113. • EXPORT INSPECTION AND WEIGHTING WAIVER FOR HIGH QUALITY SPECIALTY GRAINS TRANSPORTED IN CONTAINERS

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

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: GIPSA is amending regulations under the USGSA to waive the mandatory inspection and weighing requirements of the Act for high quality specialty grains exported in containers. GIPSA is establishing this waiver to facilitate the marketing of high quality specialty grains exported in containers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	

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, STOP 3604, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0580–AA87

Department of Agriculture (USDA) — Long-Term Actions
Grain Inspection, Packers and Stockyards Administration (GIPSA)

114. PROCESS VERIFICATION SERVICE AND ASSOCIATED FEES

Priority: Other Significant

CFR Citation: 7 CFR 868.31

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Tess Butler
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RIN: 0580–AA85

115. • FEES ASSESSED BY THE SERVICE

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

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: GIPSA is proposing to increase fees assessed to delegated States and designated official agencies, authorized by GIPSA to provide official inspection and weighing services to the U.S. grain industry. the increase in fees is necessary to collect sufficient revenue to cover the current and future cost of supervising the performance of the official agencies.

Timetable:

Action	Date	FR Cite
NPRM	03/21/05	70 FR 13411
NPRM Comment Period End	05/20/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0580–AA88

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

116. • UNITED STATES STANDARDS FOR WHEAT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR Parts 810

Legal Deadline: None

Abstract: GIPSA is revising the United States Standards for Wheat. GIPSA is amending the grain standards to change the definition of contrasting classes in Hard Red Winter Wheat and Hard Red Spring wheat such that Hard White wheat is not a contrasting class but is considered as wheat of other classes. GIPSA also is amending the grain standards by adding the sample size used to determine sample grade factors, because the standards should transmit this information.

Timetable:

Action	Date	FR Cite
Final Action	02/18/05	70 FR 8233

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, STOP 3604, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0580–AA86

BILLING CODE 3410—EN—S

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

Proposed Rule Stage

117. DISQUALIFIED RECIPIENT 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	12/00/05	
NPRM Comment Period End	02/00/06	
Final Action	12/00/06	
Final Action Effective	03/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
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RIN: 0584–AB51

118. 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 by: 1) Bringing the maximum level of allowable resources in line with the Food Stamp Program by: a) Establishing a new resource limit of $3,000 for households with a disabled member, and b) increasing the resource limit from $1,750 to $2,000 for households without elderly or disabled members; 2) allowing a resource exclusion for the first $1,500 of the value of one prepaid funeral arrangement per household member; 3) allowing households in which all members are elderly or disabled to be certified for up to 24 months; and 4) allowing State agencies the option to provide transitional benefits to households that leave the Temporary Assistance Program for Needy Families. The above provisions are modeled after Food Stamp Program provisions. (01-005)

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period Ends	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

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RIN: 0584–AD12

119. 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	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
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RIN: 0584–AD15

120. 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	09/00/05	
NPRM Comment Period End	11/00/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD25

121. 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	05/00/05	
NPRM Comment Period End	07/00/05	
Final Action	12/00/05	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

URL For More Information: www.fns.usda.gov

URL For Public Comments: www.fns.usda.gov/wic

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
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RIN: 0584–AD35

122. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): MISCELLANEOUS VENDOR–RELATED PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This proposed rule amends the WIC regulations to clarify issues that have arisen subsequent to the publication of the WIC Food Delivery Systems final rule. It includes the following provisions: Allows the release of vendor information such as telephone numbers, e-mail/website addresses, store type, and whether the vendor has been disqualified; protects State agencies against loss of revenue due to vendor nonselection; provides for an abbreviated administrative review when a State agency issues a civil money penalty in lieu of a reciprocal WIC disqualification; and prohibits State agencies from requiring infant formula manufacturers to provide free formula or other items as part of their infant formula rebate solicitations and contracts. (02-013)

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	09/00/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
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RIN: 0584–AD36

123. FSP: DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107–171

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032; PL 107–171

CFR Citation: 7 CFR 271; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: None

Abstract: This proposed rule will implement several quality control changes to the Food Stamp Act required by sections 4118 and 4119 of title IV of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171). The provisions in this rule affect the following areas: 1) The elimination of enhanced funding; 2) revisions to the time frames for completing individual case reviews; 3) extending the time frames in the procedures for households that refuse to cooperate with QC reviews; 4) procedures for adjusting liability determinations following appeal decisions; and 5) conforming and technical changes. (02-015)

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period Ends	10/00/05	
Final Action	10/00/06	
Final Action Effective	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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Related RIN: Split from 0584–AD31

RIN: 0584–AD37

124. CHILD NUTRITION PROGRAMS: NATIONAL SCHOOL LUNCH PROGRAM; SERVING FRUITS AND VEGETABLES AS AFTERSCHOOL SNACKS

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

Legal Authority: 42 USC 1751 et seq, Richard B. Russell National School Lunch Act

CFR Citation: 7 CFR 210.10

Legal Deadline: None

Abstract: This proposed rule would require that a fresh vegetable or a fresh/dried fruit be one of the components served in the afterschool snack service under the National School Lunch Program and that it be served at least three times per 5-day week. The U.S. Department of Agriculture is establishing this requirement to promote the health of the Nation's school children by encouraging them to consume more fruits and vegetables. (03-003)

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
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RIN: 0584–AD40

125. DATA COLLECTION RELATED TO INSTITUTIONS, ORGANIZATIONS, SITES, AND FACILITIES

Priority: Other Significant

Legal Authority: EO 13279

CFR Citation: 7 CFR 210; 7 CFR 220; 7 CFR 225; 7 CFR 226; 7 CFR 246; 7 CFR 247; 7 CFR 251

Legal Deadline: None

Abstract: Executive Order 13279, which was signed on December 12, 2002, instructs Federal agencies, to the extent permitted by law, to collect data regarding the participation of faith-based and community-based organizations in social service programs that receive Federal financial assistance. This rulemaking would authorize the Secretary of Agriculture to require State agencies to collect and submit data to the Food and Nutrition Service that identifies the numbers, by categories to be determined by the Secretary, of institutions, organizations, sites, and facilities that apply to and participate in the Federal nutrition assistance programs. This rulemaking would add requirements to the following programs: Special Supplemental Nutrition Program for Women, Infants and Children, National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, Commodity Supplemental Food Program, and the Emergency Food Assistance Program. The data collection effort will end five years after the effective data of the interim final rule. (04-001)

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
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RIN: 0584–AD43

126. FSP: REVISIONS TO BONDING REQUIREMENTS FOR VIOLATING RETAIL AND WHOLESALE FOOD CONCERNS

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 2021

CFR Citation: 7 CFR 278.1(b)(4); 7 CFR 278.2(f)

Legal Deadline: None

Abstract: The proposed rule will revise the current bonding requirements set forth in section 278.1(b)(4) of Food Stamp Program (FSP) regulations that are imposed against retailers who have violated FSP rules and regulations. Section 12(d) of the Food Stamp Act of 1977 (the Act), as amended, gives the Secretary of Agriculture the discretionary authority to require that retailers who have been sanctioned for program violations present a collateral bond as a condition of future authorization. The Act also gives the Secretary the authority to prescribe the amount, terms, and conditions of such bonds by regulation. Currently, all violating retailers that are sanctioned for a specified period of time or imposed a civil money penalty are required to submit a bond if they wish to continue to participate in the FSP. The bond must be valid as long as the firm is authorized to participate in the FSP regardless of the period of disqualification imposed or the amount of the civil money penalty assessed. Retailers are required to renew their bond through a financial institution on a periodic basis. The proposed rule will: 1) Eliminate the current bonding requirement for retailers who are disqualified for a period of 6 months or imposed a civil money penalty in lieu of a 6-month disqualification period; and 2) Limit the requirement to no more than 1 year for retailers who are disqualified for a specified period of time greater than 6 months or imposed a civil money penalty in lieu of a specified period of time greater than 6 months. Section 278.2(f) of the FSP regulations stipulates that retail food stores may not accept food stamp benefits in payment for any eligible food sold to food stamp households on credit. Thus, the proposed rule will also assign a specified period of time for retailers to be removed from the program for accepting food stamp benefits in payment for eligible food on credit. (04-002)

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0584–AD44

127. DONATED FOODS IN CHILD NUTRITION PROGRAMS, THE NUTRITION SERVICES INCENTIVE PROGRAM, AND CHARITABLE INSTITUTIONS, INCLUDING CONTRACTS WITH FOOD SERVICE MANAGEMENT COMPANIES

Priority: Other Significant

Legal Authority: Older Americans Act of 1965, as amended

CFR Citation: 7 CFR 250.12, 250.19, 250.24, 250.40, 250.41; 7 CFR 250.42, 250.48, 250.49, 250.50

Legal Deadline: None

Abstract: This proposed rule would revise or clarify requirements with respect to the distribution, management, and use of donated foods in child nutrition programs, the Nutrition Services Incentive Program, and by charitable institutions. Most significantly, it would establish specific requirements to ensure that school food authorities and other recipient agencies in child nutrition programs receive the benefit of all donated foods provided under contract with food service management companies to conduct the food service. It would require the food service management company to credit the recipient agency for donated foods received, through invoice reductions, refunds, or other means of crediting. The rule would provide some flexibility in crediting for and use of donated foods by allowing the recipient agency to use donated food values other than the USDA purchase price and by allowing the food service management company to substitute donated foods with commercially purchased foods, with the exception of (1) donated ground beef and ground pork, and (2) end products received from processors. (04-003)

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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RIN: 0584–AD45

128. FSP: REGULATION RESTRUCTURING TO REFLECT THE END OF COUPON ISSUANCE SYSTEMS

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

Legal Authority: 7 USC 2011 to 2034

CFR Citation: 7 CFR 274.8 and 274.12; 7 CFR 278

Legal Deadline: None

Abstract: The proposed changes to the Food Stamp Program's regulations are being put forth to account for the replacement of the paper coupon issuance system with the Electronic Benefits Transfer (EBT) system as the nationwide method of distributing benefits to program recipients. These changes will remove coupon issuance regulations that are no longer applicable, revise regulatory language to more appropriately connote the new EBT issuance system (such as eliminating the use of the term ''coupon,'' and replacing it with either ''benefits'' or ''EBT card''), and reorganize sections to develop a more cohesive set of issuance and retailer regulations. None of the changes will have any policy impacts. The regulatory revisions, however, are necessary to avoid confusion by ensuring that the issuance and redemption requirements are clear and comprehensible. The sections that will be updated and reorganized by the proposed rule are 7 CFR parts 274 and 278. (04-004)

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0584–AD48

129. SPECIAL NUTRITION PROGRAMS: FLUID MILK SUBSTITUTIONS

Priority: Other Significant

Legal Authority: PL 108–265, sec 102

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: Currently, by regulation, schools must make substitutions for fluid milk for students with a disability when the request is authorized by a licensed physician and may make substitutions for students with medical or other dietary needs if requested by recognized medical authority. These regulatory provisions were included in Public Law 108-265 which amended the Richard B. Russell National School Lunch Act. Public Law 108-265 also amended the current law to allow schools to substitute non-dairy beverages nutritionally equivalent (as established by the Secretary) to fluid milk for medical or other special dietary needs at the request of a parent/guardian. In response to Public Law 108-265, the National School Lunch Program and School Breakfast Program regulations will be revised to add these requirements.

(04-016)

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

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RIN: 0584–AD58

130. • FOOD DISTRIBUTION PROGRAMS—DISTRIBUTING AGENCY EVALUATIONS OF NON–COMMERCIAL WAREHOUSING AND DISTRIBUTION SYSTEMS, COST COMPARISONS, SYSTEM APPROVAL AND IMPLEMENTATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 612c, 612c note, 1431, 1431b, 1431e, 1431 note, 1446a–1, 1859, 2014, 2025; 15 USC 713c; 22 USC 1922; 42 USC 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: Food Distribution Program regulations at 7 CFR part 250.14(a) currently require all distributing agencies to, at minimum, evaluate non-commercial systems, perform cost comparisons of existing systems with commercial systems, and seek FNS approval to use non-commercial facilities once every 3 years by March 31. This rule would amend current regulations at section 250.14(a) by removing the regulatory requirements above. By this time, per legislative mandate and the more stringent regulatory requirements, most States required to do so have conducted warehousing and distribution system evaluations and cost comparisons on multiple occasions. Through cycles of cost comparisons, we believe that conversions to commercial systems have already taken place where appropriate. The limited number of States that operate their own systems do so because no commercial system is available, or because the State-run system is more cost-effective.

The removal of the above regulatory requirements, in addition to other minor changes to the provisions of section 250.14(a), will decrease the burden on State distributing agencies in terms of both paperwork and man hours, while providing those State agencies greater flexibility in program operations. The proposed rule would also rewrite the provisions of section 250.14(a) in a ''plain language'' format in order to make them easier to read and understand.

The proposed rule will provide a public comment period, which would allow State agencies and other interested parties the forum to provide feedback and voice any concerns. All comments received during the specified comment period would be taken into consideration by FNS prior to publication of the rule in its final form.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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RIN: 0584–AD72

131. • WIC FARMERS' MARKET NUTRITION PROGRAM (FMNP): IMPLEMENTATION OF THE FMNP PROVISIONS IN THE CN AND WIC REAUTHORIZATION ACT OF 2004 (PUB. L. 108–265) AND FMNP FUNDING FORMULA

Priority: Other Significant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 248

Legal Deadline: None

Abstract: This proposed rule amends the FMNP regulations to implement the nondiscretionary FMNP provisions in Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004. The legislative provisions include: (1) An option for State agencies to authorize roadside stands without prior FNS approval; (2) revising the match requirement to apply the 30 percent to the administrative cost of the program instead of 30 percent of the total cost of the program (administrative and food costs); and (3) increasing the maximum Federal benefit level from $20 to $30.

Also included in this rulemaking will be a funding formula methodology for the FMNP when funds requested exceed available funds to allocate. The FMNP is a fixed grant program with limited funds. Funding increases are not guaranteed from year to year. Section 17(m) of the Child Nutrition Act of 1966, as amended, sets forth broad funding requirements for the FMNP. By law, after base grants are provided to current State agencies (i.e., total Federal funds received in the prior fiscal year), the remaining funds are divided so that 75 percent is provided for expansion funds for current State agencies and 25 percent is provided for new State agencies. Currently, beyond the division of funds noted above, there are no requirements for how to allocate funds for expansion and new State agencies when funds requested exceed the amount of available funds. This proposed regulation would amend 7 CFR part 248 to set forth a funding formula in cases where FMNP funds requested exceed available funds to allocate. The proposed methodology would provide a base funding level for each State agency. Funding above the base level would be based on the individual State's need relative to all other State agencies' needs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	12/00/05	
Final Action	06/00/06	
Final Action Effective	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: This action consolidates two previous actions: the FMNP Funding Formula Rule, RIN ι 0584-AD41 (withdrawn in the spring 2005 agenda), and the Implementation of the FMNP Provisions Included in the Child Nutrition and WIC Reauthorization Act of 2004, RIN ι0584-AD46 (withdrawn from the fall 2004 agenda).

URL For More Information: www.fns.usda.gov/wic

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Related RIN: Merged with 0584–AD41

RIN: 0584–AD74

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

Final Rule Stage

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

Priority: Other Significant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This final rule amends certain provisions of the WIC program regulations in response to issues raised by WIC State agencies and incorporates longstanding program policies into regulations, with the intention to strengthen services to WIC participants, improve Program administration, and increase State agency flexibility in managing the Program. The final rule takes into consideration comments received on the proposed rule, which was published on December 12, 2002 (67 FR 71774). It also increases the maximum fine for theft or fraud from $10,000 to $25,000, in accordance with a nondiscretionary provision of Public Law 105-336. (89-515)

Timetable:

Action	Date	FR Cite
NPRM	12/02/02	67 FR 71774
NPRM Comment Period End	04/01/03	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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RIN: 0584–AB10

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

Priority: Other Significant

Legal Authority: 42 USC 1766; PL 103–448; PL 104–193; PL 105–336

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: This rule amends the Child and Adult Care Food Program (CACFP) regulations. The changes in this rule result from the findings of State and Federal program reviews and from audits and investigations conducted by the Office of Inspector General. This rule revises: State agency criteria for approving and renewing institution applications; program training and other operating requirements for child care institutions and facilities; and State- and institution-level monitoring requirements. This rule also includes changes that are required by the Healthy Meals for Healthy Americans Act of 1994 (Pub. L. 103-448), the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (Pub. L. 104-193), and the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Pub. L. 105-336).

The changes are designed to improve program operations and monitoring at the State and institution levels and, where possible, to streamline and simplify program requirements for State agencies and institutions. (95-024)

Timetable:

Action	Date	FR Cite
NPRM	09/12/00	65 FR 55103
NPRM Comment Period End	12/11/00	
Interim Final Rule	09/01/04	69 FR 53502
Interim Final Rule Effective	10/01/04	
Interim Final Rule Comment Period End	09/01/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

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RIN: 0584–AC24

134. 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 makes 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 revises those regulations to provide the State agency more flexibility in implementing and operating those systems. Clarifications and FNS settlement improvements are also incorporated into the rule. The rule contains a provision to provide State agencies with a new option to allow retailers with commercial equipment to use a Store and Forward process instead of the manual voucher process when the system is down. This provision will go forward as an interim provision so that the Department can solicit additional comments. All the other provisions will go forward as final. (96-016)

Timetable:

Action	Date	FR Cite
NPRM	07/12/01	66 FR 36495
NPRM Comment Period End	09/10/01	
Interim Final Rule	04/11/05	70 FR 18263
Final Rule	04/11/05	70 FR 18263
Interim Final Rule Effective	05/11/05	
Final Rule Effective	05/11/05	
Interim Final Rule Comment Period End	06/10/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0584–AC37

135. 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	10/00/05	
Final Action Effective	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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RIN: 0584–AC72

136. FSP: CIVIL RIGHTS DATA COLLECTIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 88–352, sec 601

CFR Citation: 7 CFR 272

Legal Deadline: None

Abstract: Title VI of the Civil Rights Act of 1964 requires the collection of racial/ethnic data for all programs utilizing Federal funds. State agencies are required to collect the data by racial/ethnic categories set by the Federal Government. In 1997, those categories changed. This final rule changes 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	11/27/02	67 FR 70861
NPRM Comment Period End	01/27/03	
Final Action	06/00/05	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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RIN: 0584–AC75

137. COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP): 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, impose more rigorous performance measures on State and local agencies, increase flexibility for program operators, and incorporate legislative provisions that have been implemented through program policy. (99-005)

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62164
NPRM Comment Period End	12/30/03	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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RIN: 0584–AC84

138. 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, 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 was withdrawn, and the final provisions are issued under RIN 0584-AC95. The final rule adopts or modifies as necessary

many of the provisions mandated by the statute and required by the interim rule. The objective is to provide consistency in procedures when determining agencies' option to disclose children's eligibility information and to provide some protection against unauthorized disclosures and misuse of personal information, regardless of whether the disclosure is to Medicaid or SCHIP or to an education or other program. (00-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	
Interim Final Rule	01/11/01	66 FR 2195
Interim Final Rule Comment Period End	04/11/01	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AC95

139. SPECIAL NUTRITION PROGRAMS: UNIFORM FEDERAL ASSISTANCE REGULATIONS; NONDISCRETIONARY TECHNICAL AMENDMENTS

Priority: Info./Admin./Other

Legal Authority: 31 USC 503, 111, and 7501; PL 98–502; PL 104–156

CFR Citation: 7 CFR 210, 215, 220, 225, 226, 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
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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RIN: 0584–AD16

140. 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	08/00/05	
Final Action Effective	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

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RIN: 0584–AD27

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

Priority: Other Significant

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 allows alternate methods for issuing food stamp benefits during disasters when reliance on electronic benefit transfer systems (EBT) is impracticable.

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

Section 4113—This rule allows 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 allows the Secretary of Agriculture to use mailing methods other than certified mail when notifying retailers of the above mentioned adverse actions so long as the method provides evidence of delivery. (02-005)

Timetable:

Action	Date	FR Cite
NPRM	05/06/03	68 FR 23927
NPRM Comment Period End	07/07/03	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0584–AD28

142. FSP: ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 107–171, secs 4101 to 4109, 4114, 4115, and 4401

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This rulemaking will amend Food Stamp Program regulations to implement 11 provisions of the Farm Security and Rural Investment Act of 2002 that establish new eligibility and certification requirements for the receipt of food stamps. (02-007)

Timetable:

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20724
NPRM Comment Period End	06/15/04	
Final Action	12/00/05	
Final Action Effective	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 0584–AD30

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

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 107–171

CFR Citation: 7 CFR 273.7

Legal Deadline: None

Abstract: This final rule implements revisions to the Food Stamp Employment and Training (E&T) Program funding requirements. (02-009)

Timetable:

Action	Date	FR Cite
NPRM	03/19/04	69 FR 12981
NPRM Comment Period End	05/18/04	
Final Action	12/00/05	
Final Action Effective	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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RIN: 0584–AD32

144. PROCUREMENT REQUIREMENTS FOR THE NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST, AND SPECIAL MILK PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1752

CFR Citation: 7 CFR 210, 215, 220

Legal Deadline: None

Abstract: This rule updates the regulations for the National School Lunch Program, the Special Milk Program, and the School Breakfast Program regarding the use of federal funds for the provision of meals for school children. This rule prohibits school food authorities (SFA) from using funds in the non-profit school food service account for expenditures made under improperly procured contracts. The expected result is that regulatory language will ensure optimum utilization of funds in the non-profit school food service account. (03-001)

Timetable:

Action	Date	FR Cite
NPRM	12/30/04	69 FR 78340
NPRM Comment Period End	02/28/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Federalism: Undetermined

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RIN: 0584–AD38

145. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): DISCRETIONARY WIC VENDOR PROVISIONS IN THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004, PUBLIC LAW 108–265

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

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, December 2004.

Abstract: The purpose of this rule is to implement the following discretionary provisions of the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265, concerning WIC vendor management: 1) Requires State agencies to notify vendors of an initial violation when a pattern of violations is required before documenting a subsequent violation, unless it would compromise an investigation; 2) requires a State agency to maintain a list of infant formula wholesalers, distributors, and retailers licensed in the State, and formula manufacturers registered with the U.S. Food and Drug Administration, and requires authorized vendors to only purchase infant formula from those entities on the State agency's list; and, 3) establishes restrictions on the provision of incentive items to participants by vendors for which most food proceeds result from WIC purchases. (04-007)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	
Interim Final Rule Effective	01/00/06	

Action	Date	FR Cite
Interim Final Rule Comment Period End	03/00/06	
Final Action	12/00/06	
Final Action Effective	01/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 0584–AD47

146. SEVERE NEED ASSISTANCE IN THE SCHOOL BREAKFAST PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 220

Legal Deadline: None

Abstract: Currently, in order to receive the higher severe need School Breakfast Program reimbursements, schools must have served 40 percent + of their lunches free or at a reduced price in the second preceding year and must document their costs. They receive the lesser of their documented costs or the severe need rate.

In response to Public Law 108-265, which amended the Child Nutrition Act of 1966, 7 CFR 220, the School Breakfast Program's regulations will be revised to remove the requirement to document costs. This law was also revised to require that the Secretary determine how schools without a 2nd preceding year history may qualify for severe need reimbursements. (04-008)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD50

147. DISTRICT–WIDE USE OF PROVISIONS 2 AND 3

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 245

Legal Deadline: None

Abstract: Currently, schools may choose to use ''Provision 2'' or ''Provision 3,'' to reduce application burdens and simplify meal counting and claiming procedures. Provision 2 allows schools to establish claiming percentages and to serve all meals at no charge for a 4-year period. Provision 3 allows schools to simply receive the same level of Federal cash and commodity assistance each year, with some adjustments, for a 4-year period. Both provisions are used by schools with significant percentages of children eligible for free and reduced-price school meals. Schools serve all meals at no cost to the child but continue to be reimbursed at the rate determined in the year that the actual number of free and reduced price eligible children was determined.

In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, will be revised to allow school districts to use ''Provision 2'' or ''Provision 3'' on a district-wide basis as well as on a school basis. (04-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD51

148. ADMINISTRATIVE ERROR REDUCTION IN THE SCHOOL MEALS PROGRAMS

Priority: Other Significant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 (Act), amended the Richard B. Russell National School Lunch Act and Section 7 of the Child Nutrition Act of 1966 in the following ways. The new law:

— Establishes the additional category of schools at high risk for administrative errors, as defined by the Secretary, that are subject to an additional administrative review;

— Details a corrective action plan for States that fail to meet Secretary's performance criteria;

— Allocates funds to States based on number of local education agencies with high level or high risk for administrative error. (04-010)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

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RIN: 0584–AD52

149. STATE ADMINISTRATIVE EXPENSES

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 235

Legal Deadline: None

Abstract: State Administrative Expense Fund regulations will be revised to increase the minimum State grant for administrative expenses to $200,000 a year (indexed after fiscal year 2008) and requires that: For fiscal years 2005 through 2007, no State will receive less than its fiscal year 2004 allocation. This rule will also require States to submit, for the Secretary's approval, an amendment to their State plan indicating how it will allocate their State administrative expense funds for information management systems that improve program integrity by (1) monitoring the nutrient content of meals; (2) training schools and school food authorities in how to use technology and information management systems for menu planning, collecting ''point-of-sale'' data, processing applications for free and reduced-price meals, and verifying eligibility; and (3) using electronic data to establish benchmarks to monitor program integrity, program participation, and financial data across schools and school food authorities. (04-011)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 0584–AD53

150. APPLYING FOR FREE AND REDUCED PRICE MEALS IN SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 245

Legal Deadline: None

Abstract: The regulations for determining eligibility for free and reduced price meals and free milk in schools, will be revised to require that:

(1) Descriptive materials distributed to parents and guardians contain a notification that:

— Participants in the special supplemental nutrition program for women, infants, and children (the WIC program), the Food Stamp Program, the Food Distribution Program on Indian reservations, and State Temporary Assistance for Needy families (TANF) programs may be eligible for free or reduced-price school meals; and

— Documentation may be requested for verification of eligibility for free or reduced-price meals;

(2) Eligibility determinations for free or reduced-price school meals (other than cases where ''direct certification'' is used) are to be made on the basis of a complete application executed by an adult member of the household or in accordance with guidance issued by the Secretary. It will also stipulate that the household application must identify the names of each child in the household for whom free or reduced-price meal benefits are being requested and bars State agencies and local educational authorities from requesting separate applications for each child in cases where the children attend schools in the same local educational authority;

(3) Explicitly permits applications with electronic signatures if the application is submitted electronically and the application filing system meets confidentiality standards set by the Secretary; and

(4) Eligibility for free or reduced-price school meals remains valid for 1 year for most students. Eligibility would remain in effect beginning with approval for the current school year and ending on a date during the subsequent school year determined by the Secretary. An exception is included for cases where verification activities indicate ineligibility. (04-012)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD54

151. IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: INCREASING THE MAXIMUM AGE FOR CHILDREN IN HOMELESS SHELTERS THAT PARTICIPATE IN THE CACFP

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: This rule will implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that authorizes the reimbursement of CACFP meals served to children through age 18 who are residing in emergency shelters. Previously, CACFP reimbursements to emergency shelters were limited to meals served to children through age 12. (04-014)

Timetable:

Action	Date	FR Cite
Direct Final Rule	09/00/05	
Comment Period End	10/00/05	
Direct Final Rule Effective	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD56

152. NATIONAL SCHOOL LUNCH PROGRAM: MARKETING AND SALES OF FLUID MILK PRODUCTS IN SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 210

Legal Deadline: None

Abstract: Public Law 108-265 amended the Richard B. Russell National School Lunch Act to prohibit schools from entering into contracts that directly or indirectly restrict the sale or marketing of fluid milk products on school premises or at school sponsored events at any time or any place. This amendment was in response to procurement contracts that limited the types of products that schools could sell outside of the reimbursable meal programs. This rule would incorporate that requirement into the regulations governing the National School Lunch Program. (04-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD57

153. NUTRITION STANDARDS IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS

Priority: Other Significant

Legal Authority: PL 108–265, sec 103

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: Public Law 108-265 requires the Secretary to issue regulations that reflect specific recommendations for increased consumption of foods and food ingredients in school nutrition programs based on the most recent Dietary Guidelines for Americans.

The current regulations specify that reimbursable meals offered by schools meet the Dietary Guidelines for Americans that are specified in the regulations. This final rule would revise the current regulations on nutrition standards to require that participating schools meet the applicable recommendations of the most recent Dietary Guidelines for Americans as specified in program guidance. This revision would permit USDA and schools to more promptly conform to any new recommendations in the nutrition standards. (04-017)

Timetable:

Action	Date	FR Cite
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD59

154. DIRECT AND DISCRETIONARY CERTIFICATION IN THE SCHOOL MEALS PROGRAMS

Priority: Other Significant

Legal Authority: PL 108–265, sec 104

CFR Citation: 7 CFR 245

Legal Deadline: None

Abstract: Currently a school food authority may ''directly certify'' any child as eligible for free or reduced-price school meals, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the child's status as a member of a food stamp household or a family receiving TANF.

In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, will be revised to require that school food authorities ''directly certify'' as eligible for free school meals, without further application, any child who is a member of a food stamp household. In order to carry out this requirement, the law also requires that each State agency enter into an agreement with the State food stamp agency to establish procedures under which children who are members of food stamp households will be directly certified and amends the Food Stamp Act to require State food stamp agencies to enter into the required agreements and cooperate in carrying out direct certification. The direct certification requirements are phased-in. For School Year 2006-2007, school districts with an enrollment of 25,000 students or more in the preceding year must comply. For School Year 2007-2008, school districts with an enrollment of 10,000 students or more in the preceding year must comply. For subsequent school years, all districts must comply. Until mandatory ''direct certification'' for children in food stamp households is fully implemented, the existing permissive authority is retained. In addition, this rule adds (to existing authority with regard to children in TANF families) permissive authority for school food authorities to directly certify homeless children, children served by programs under the Runaway and Homeless Youth Act, and migrant children. (04-018)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

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RIN: 0584–AD60

155. REVISED VERIFICATION PROCEDURES IN THE SCHOOL MEALS PROGRAMS

Priority: Other Significant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 210; 7 CFR 245

Legal Deadline: None

Abstract: In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, the verification procedures in 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk

in Schools, will be revised to require that, starting July 2005:

1. Local Educational Authorities (LEAs) verify the eligibility of children in a sample of approved free and reduced-price school meal applications. The basic sample size would be the lesser of 3 percent of all approved applications (as of October 1 of the school year) selected from error-prone applications or 3,000 approved error-prone applications. Error-prone applications would be those defined as within $100 a month or $1200 annually of the applicable income limit or, alternately, under criteria set by USDA. However, local educational agencies could choose 1 of 2 alternate sample sizes (effectively the options established in current regulations) if:

— Their nonresponse rate for the preceding school year is less than 20 percent, or

— For a local educational agency with more than 20,000 children approved by application as eligible for free or reduced-price school meals as of October 1, their nonresponse rate for the preceding school year is improved by 10 percent from the nonresponse rate for the second preceding school year.

A nonresponse rate is the percentage of approved household applications for which verification information has not been obtained by a LEA. However, second-preceding-school-year nonresponse rates may not be available for all schools for the 2005-2006 school year. As a result, this rule would also provide that, for the 2005-2006 school year, large local educational agencies (20,000+ approved students) also could qualify to use 1 of the 2 alternate sample sizes (the options in current regulations) if they attempt to verify all approved household applications through the use of direct verification. When verifying eligibility for free or reduced-price school meals, local educational agencies can first use direct verification and obtain and use income and program participation information from public agencies administering certain programs. The programs are: The Food Stamp Program, the Food Distribution Program on Indian Reservations, State TANF programs, State Medicaid programs, or similar income-tested programs (or other sources of information). In cases in which there are not enough error-prone applications to comply with the options, local educational agencies would be required to randomly select additional applications to fulfill the percentage or number requirement.

2. Requires local educational agencies to complete all verification activities (including required ''follow-up'' activities) by November 15 of each school year; States may extend this deadline to December 15 under criteria set by the Secretary. It will also require local educational agencies to make appropriate modifications to eligibility determinations based on their verification activities.

3. It also allows local educational agencies to ''decline'' to verify up to 5 percent of their verification sample and replace the declined applications with other approved applications.

4. Requires that the local educational agency provide written notice to households selected for verification. The notice must include a toll-free phone number that the household can call for assistance with the verification process. (04-019)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD61

156. CATEGORICAL ELIGIBILITY OF CERTAIN MIGRATORY, HOMELESS, AND RUNAWAY YOUTH

Priority: Other Significant

Legal Authority: PL 108–265, sec 107

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, will be amended to establish categorical (automatic) eligibility for free meals for the following children:

1. Homeless children or youth as defined by the McKinney-Vento Homeless Assistance Act;

2. Youth served by grant programs under the Runaway and Homeless Youth Act; and

3. Migratory children as defined in section 1309(2) of the Elementary and Secondary Education Act.

Public Law 108-265 also provides for documentation of a child's eligibility under these laws which will also be included in the regulations. (04-020)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD62

157. FOOD SAFETY INSPECTIONS, AUDITS, AND REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265, sec 111

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: Current regulations governing the National School Lunch and School Breakfast Programs require one food safety inspection in schools during the school year unless such inspection is required by the State or local agency responsible for food safety inspections. Public Law 101-265 revised the requirement in the Richard B. Russell National School Lunch Act on food safety inspections to: (1) Increase the number of required inspections to at least two during the school year; (2) remove the exemption if there are State or local requirements for schools; and (3) require that reports on the most recent inspection be posted in a

publicly visible location and be provided, on request, to the public. In addition, the regulations will be revised to include the requirement in Public Law 101-265 that, for fiscal years 2006 through 2009, States annually audit food safety inspections in schools and submit a report to USDA on the results of that audit. (04-022)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	
Interim Final Rule Effective	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

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RIN: 0584–AD64

158. SCHOOL FOOD SAFETY: HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEM

Priority: Other Significant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, the National School Lunch Program and School Breakfast Program Regulations will be revised to require that school food authorities implement a school food safety program for the preparation and service of meals that complies with any ''hazard analysis and critical control point'' system established by USDA through guidance, training, and technical assistance. (04-023)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

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RIN: 0584–AD65

159. IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: FOR–PROFIT CENTER PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: This rule will implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that permanently establishes the eligibility of private for-profit child care centers to participate in the Child and Adult Care Food Program (CACFP) if at least 25 percent of participating children are eligible for free or reduced price meals. This provision was first added as a temporary 1-year measure to the National School Lunch Act in FY 2001 appropriations. Since that time, the provision had been extended with each subsequent appropriation. Prior to FY 2001, for-profit centers could only participate in the Program if they receive title XX funds for 25 percent of the enrolled children or 25 percent of licensed capacity, whichever is less. Thus, since December 2000, private for-profit centers have been able to participate in the CACFP in two ways—based either on receipt of title XX funds on behalf of enrolled children or on the children's eligibility for free or reduced price meals. (04-024)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	
Interim Final Rule Effective	07/00/05	
Interim Final Rule Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD66

160. IMPLEMENTING PROVISIONS OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: DISREGARD OF OVERPAYMENTS IN THE CHILD NUTRITION PROGRAMS

Priority: Other Significant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: This interim rule implements a provision of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265). It creates uniform regulations related to the disregard of overpayments made to a school or institution in the National School Lunch Program (NSLP), School Breakfast Program (SBP), or Child and Adult Care Food Program (CACFP). It allows the Department and State agencies, when conducting management evaluations, reviews, or audits in the NSLP, SBP, or CACFP, to disregard overpayments to a school or institution under certain conditions. However, no overpayment would be disregarded where there is substantial evidence of violations of criminal law or civil fraud statutes. (04-026)

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	
Interim Final Rule Effective	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD68

161. IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: PERMANENT AGREEMENTS FOR DAY CARE HOME PROVIDERS IN THE CHILD AND ADULT CARE FOOD PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: This rule will amend the CACFP regulations to implement a provision from the Child Nutrition and WIC Reauthorization Act of 2004 that authorized the use of permanent agreements between sponsoring organizations and family or group day care homes participating in the Child and Adult Care Food Program (CACFP). These agreements record specific rights and responsibilities of both sponsoring organizations and the family or group day care homes. The rule will stipulate that while the agreement is permanent, it does not remove the right of the sponsoring organization to terminate a family or group day care home for cause or convenience, nor does it remove the right of a day care home provider to change sponsors in accordance with current regulations. This rule will also permit sponsoring organizations to amend the permanent agreement when there is a change in program policy or meal services. (04-027)

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD69

162. IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: SEAMLESS SUMMER OPTION FOR SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–265

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: Section 116 of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265) amended section 13(a) of the Richard B. Russell National School Lunch Act (NSLA) to authorize a Seamless Summer Option for public or private nonprofit school food authorities to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The law stipulates that schools that participate under the Seamless Summer Option must be reimbursed for breakfasts served at the School Breakfast Program free rates and for lunches and snacks served at the National School Lunch Program free rates.

The Committee Report (108-279) accompanying the Child Nutrition and WIC Reauthorization Act of 2004 notes that the provision closely tracks the current Seamless Summer Feeding Waiver, which has been available to school sponsors nationwide since fiscal year 2002. This interim final rule will amend 7 CFR parts 210 and 220 to incorporate the Seamless Summer Option that will be available to public and private nonprofit school food authorities that participate in the NSLP and SBP. The Department also intends to incorporate into the NSLP and SBP regulations much of the policy that has been developed for schools that were approved by State agencies or FNS to operate the waiver.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/05	
Interim Final Rule Effective	08/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD70

163. • SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): WIC VENDOR COST CONTAINMENT

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

Legal Authority: 42 U.S.C. 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This interim final rule amends the WIC regulations to implement the vendor cost containment provisions of the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265). The rule seeks to assure that the WIC Program pays competitive prices to authorized retail food vendors by requiring State agencies to: (1) Establish a vendor peer group system or demonstrate to the Department that the State agency's alternative cost containment system is as effective as a peer group system; (2) establish competitive price selection criteria for use in authorizing vendors and allowable reimbursement levels for each vendor peer group that ensure that a vendor's prices remain competitive subsequent to authorization; (3) limit payments to vendors that derive more than 50 percent of their annual food sales revenue from WIC transactions, so that the program does not pay higher food costs if participants use their food instruments at these stores, rather than at other authorized vendors; (4) describe their vendor peer group system, competitive price selection criteria, and allowable reimbursement levels in the State Plan; and (5) comply with the vendor cost containment requirements of Public Law 108-265 by December 30, 2005.

USDA—FNS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	
Interim Final Rule Comment Period End	08/00/06	
Final Action	02/00/07	
Final Action Effective	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

URL For More Information: www.fns.usda.gov/wic

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RIN: 0584–AD71

164. • WIC: IMPLEMENTATION OF THE NONDISCRETIONARY WIC CERTIFICATION AND GENERAL ADMINISTRATION PROVISIONS IN THE CN AND WIC REAUTHORIZATION ACT OF 2004 (PUB. L. 108–265)

Priority: Other Significant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This final rule implements the nondiscretionary WIC provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265). It contains provisions that address the following aspects of WIC Program administration and operation:

1.Expansion of definitions of ''nutrition education'' and ''supplemental foods''

2.Infant formula rebate contracts

— Adds new definitions (''State alliance'' and ''primary contract infant formula'')

— Limits the size of State alliances — Requires State agencies to use primary contract infant formula as the first choice of issuance

— Allows State agencies to round up to the next whole can of infant formula as part of the prescribed food package

— Requires uncoupling of bids for milk- and soy-based infant formula in certain rebate solicitations

— Requires that bid solicitations require manufacturers to make a cent-for-cent increase or decrease in rebate amounts to match changes in national wholesale prices occurring subsequent to the bid opening

— Requires a State agency to have a system to ensure that rebate invoices provide a reasonable estimate or actual count of the number of units sold in the program

3.Program eligibility

— Provides additional exceptions to the physical presence requirement

4.Food delivery systems

— Requires State agencies to allow participants to receive supplemental foods from any of the authorized stores under retail food delivery systems

— Requires the State plan to include a description of the State agency's procedures for accepting and processing vendor applications outside the established timeframes

— Prohibits a State agency from imposing the cost of electronic benefit transfer equipment, systems, or processing on retail vendors

5.Funding and financial management

— Increases State agency carry-forward authority for nutrition services and administration funds from 1 percent to 3 percent

— Allows State agencies to use funds recovered through local agency claims in the same way that it uses funds recovered from vendors and participants

Timetable:

Action	Date	FR Cite
Final Action	09/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: This rule was initially assigned RIN 0584-AD49, and was withdrawn from the fall 2004 Unified Agenda and Plan on September 14, 2004.

URL For More Information: www.fns.usda.gov/wic

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RIN: 0584–AD73

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

Long-Term Actions

165. 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
Interim Final Rule Effective	07/29/02	
Interim Final Rule Comment Period End	12/24/02	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

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RIN: 0584–AC94

USDA—FNS

Long-Term Actions

166. FSP: NON–DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107–171

Priority: Other Significant

CFR Citation: 7 CFR 273; 7 CFR 275

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/16/03	68 FR 59519
Interim Final Rule Effective	12/15/03	
Interim Final Rule Comment Period End	01/14/04	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

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RIN: 0584–AD31

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

Completed Actions

167. FOOD STAMP PROGRAM: ADMINISTRATIVE COST REIMBURSEMENT

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 7 CFR 277

Completed:

Reason	Date	FR Cite
Withdrawn for further research and development	12/21/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AC86

168. FSP: HIGH PERFORMANCE BONUSES

Priority: Other Significant

CFR Citation: 7 CFR 272; 7 CFR 275

Completed:

Reason	Date	FR Cite
Final Action	02/07/05	70 FR 6313

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Sharon Ackerman
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RIN: 0584–AD29

169. WIC FARMERS' MARKET NUTRITION PROGRAM (FMNP): FUNDING FORMULA RULE

Priority: Other Significant

CFR Citation: 7 CFR 248

Completed:

Reason	Date	FR Cite
Withdrawn—Consolidated with another rule.	02/18/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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Related RIN: Merged with 0584–AD74

RIN: 0584–AD41

170. NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS: FLUID MILK REQUIREMENT

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 210; 7 CFR 220

Completed:

Reason	Date	FR Cite
Final Action	12/08/04	69 FR 70871

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD55

171. WAIVER OF THE REQUIREMENT TO USE WEIGHTED AVERAGES IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 210; 7 CFR 220

Completed:

Reason	Date	FR Cite
Final Action	12/08/04	69 FR 70872
Final Action Effective	01/07/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD63

172. IMPLEMENTING PROVISION FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: INCREASING THE DURATION OF TIERING STATUS OF DAY CARE HOMES IN THE CHILD AND ADULT CARE FOOD PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 226

Completed:

Reason	Date	FR Cite
Final Action	02/22/05	70 FR 8501

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584–AD67

BILLING CODE 3410—30—S

Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) — Proposed Rule Stage

173. PERFORMANCE STANDARDS FOR PUMPED OR MASSAGED BACON

Priority: Other Significant

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 424.22(b)

Legal Deadline: None

Abstract: FSIS is proposing to revise the regulatory provisions concerning the production and testing of pumped or massaged bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that prescribe the substances and amounts of such substances that must be used to produce pumped or massaged bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped or massaged bacon must meet. To meet the proposed performance standard, the process used to produce pumped or massaged bacon would be required to limit the presence of nitrosamines when the product is cooked.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583–AC49

174. EGG PRODUCTS INSPECTION REGULATIONS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 1031 to 1056

CFR Citation: 9 CFR 590.570; 9 CFR 590.575; 9 CFR 590.146; 9 CFR 590.10; 9 CFR 590.411; 9 CFR 590.502; 9 CFR 590.504; 9 CFR 590.580; 9 CFR 591; . . .

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to require egg products plants and plants pasteurizing shell eggs to develop and implement Hazard Analysis and Critical Control Points (HACCP) systems and Sanitation Standard Operating Procedures (SOPs). FSIS also is proposing pathogen reduction performance standards that would be applicable to egg products and pasteurized shell eggs. Plants would be expected to develop HACCP systems that ensure products meet the pathogen reduction performance standards. Finally, FSIS is proposing to amend the Federal egg products inspection regulations by removing current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to their use in official plants. The Agency also plans to eliminate the prior label approval system for egg products. This proposal will not encompass shell egg packers. In the near future, FSIS will initiate non-regulatory outreach efforts for shell egg packers that will provide information intended to help them to safely process shell eggs intended for human consumption or further processing.

The actions being proposed are part of FSIS' regulatory reform effort to improve FSIS' egg products food safety regulations, better define the roles of Government and the regulated industry, encourage innovations that will improve food safety, remove unnecessary regulatory burdens on inspected egg products plants, and make the egg products regulations as consistent as possible with the Agency's meat and poultry products regulations. FSIS is also taking these actions in light of changing inspection priorities and recent findings of Salmonella in pasteurized egg products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, State

Federalism: Undetermined

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RIN: 0583–AC58

175. PRIOR LABELING APPROVAL SYSTEM: GENERIC LABEL APPROVAL

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 meat 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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583–AC59

176. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 321 et seq

CFR Citation: 9 CFR 410; 21 CFR 130

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 general principles for food standards. The adherence to these principles will result in standards that will better promote honesty and fair dealing in the interest of consumers, protect the public, allow for technological advances in food production, are consistent with international food standards, and are clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards. The proposed general 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	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583–AC72

177. 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	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583–AC81

178. PERFORMANCE STANDARD FOR CHILLING OF READY–TO–COOK POULTRY

Priority: Other Significant

Legal Authority: 21 USC 451 to 470

CFR Citation: 9 CFR 381.66

Legal Deadline: None

Abstract: FSIS is proposing a performance standard for the chilling of ready-to-cook poultry products that is intended to ensure the control of microorganisms on the products from a point after evisceration until the products are frozen, further processed, or packaged for shipment from the processing plant. The current specific time and temperature requirements for chilling poultry carcasses of various weights would be retained as alternative requirements that poultry processors could choose to meet. FSIS is taking this action to provide poultry processors with greater flexibility in achieving the purposes of the poultry chilling requirements whilst complying with the Agency's Hazard Analysis and Critical Control Point (HACCP) and other regulations. This proposal responds to petitions from industry trade associations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583–AC87

179. ADDITION OF MEXICO TO THE LIST OF COUNTRIES ELIGIBLE FOR THE IMPORTATION OF SLAUGHTERED (FRESH) POULTRY AND EGG PRODUCTS INTO THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: FSIS is proposing to add Mexico to the list of countries from which fresh slaughtered poultry and egg products may be imported into the United States

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Duplicate of 0583–AC92

RIN: 0583–AD01

180. FOOD SECURITY PLANS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 138f; 7 CFR 2.18, 2.53; 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq

CFR Citation: 9 CFR 420

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to require that official establishments develop, implement, and maintain food security plans to prevent intentional product contamination. FSIS is also proposing to require establishments to review these plans at least once a year and modify them as appropriate. FSIS is taking this action to enhance protection of the nation's food supply against possible terrorist acts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 0583–AD06

181. ACCREDITED LABORATORY PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 9 CFR 318, 381, and 439

Legal Deadline: None

Abstract: The proposal revises, edits, and consolidates provisions to establish standards and procedures for the accreditation of non-Federal analytical chemistry laboratories. FSIS is proposing to amend the regulations to accommodate more readily the adoption of newer methods for analyzing an expanded number of chemical residues and to correct some factual data. In addition, FSIS is proposing to make other editorial changes to reflect Agency reorganizations and program changes since a rule was published in 1993. This rule also proposes to consolidate the regulations, now in two parts, into a single part, 9 CFR part 439.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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RIN: 0583–AD09

182. SHARING OF FIRMS' DISTRIBUTION LISTS OF RETAIL CONSIGNEES DURING MEAT OR POULTRY PRODUCT RECALLS

Priority: Other Significant

Legal Authority: 5 USC 301, 552

CFR Citation: 9 CFR 390

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to amend the federal meat and poultry products inspection regulations to provide that the Agency will make available to the public, in response to a FOIA request, lists of the retail consignees of meat and poultry products that have been voluntarily recalled by a federally inspected meat or poultry products establishment. FSIS is proposing this action because it believes that making this information available will be of significant value to consumers and the industry. It will clarify what products should be removed from commerce and from consumers' possession because there is reason to believe they are adulterated or misbranded, and it will help to clarify that other, similar types of products are safe to consume and are not misbranded.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0583–AD10

183. REQUIRING INDUSTRY E. COLI O157:H7 TEST RESULTS FOR RAW BEEF PRODUCTS BE MAINTAINED IN ONE SPECIFIC LOCATION IN THE ESTABLISHMENT

Priority: Other Significant

Legal Authority: 21 USC 677

CFR Citation: 9 CFR 320

Legal Deadline: None

Abstract: FSIS is proposing to require that an establishment's Escherichia coli (E. coli) O157:H7 test result records for raw beef products be kept in one specific location in the establishment, for as long as such records are required to be maintained in the establishment under applicable HACCP regulations. E. coli O157:H7 test result records required to be kept would include records of the establishment's testing (including screening and confirmation testing) of raw beef products produced at or received by the establishment and records of results of testing of such products (including screening and confirmation testing) conducted by a laboratory with which the establishment has contracted. FSIS is proposing that the establishment designate the specific location where it keeps these E. coli O157:H7 test result records in the establishment. In addition, FSIS is proposing that the establishment must inform an FSIS employee of the specific location where it keeps these E. coli O157:H7 test result records, verbally or in writing, and that, if the establishment changes the location where it keeps these test result records, the establishment must notify an FSIS employee of the new location, verbally or in writing. Finally, FSIS is proposing that the Agency would have access to these test result records for review and copying.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583–AD11

184. • INCREASES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICES—FISCAL YEARS 2004 TO 2008

Priority: Substantive, Nonsignificant

Legal Authority: Federal Meat Inspection Act (21 USC 601, et seq); Poultry Product Inspection Act (21 USC 451, et seq); Egg Product Inspection Act (21 USC 1031, et seq)

CFR Citation: 9 CFR 391.2; 9 CFR 391.3; 9 CFR 391.4; 9 CFR 590.126; 9 CFR 590.126(a); 9 CFR 592.2; 9 CFR 592.3; 9 CFR 592.4

Legal Deadline: None

Abstract: This rule will adjust the fees which FSIS charges meat and poultry establishments, egg products plants, importers, and exporters for providing voluntary inspection services, overtime and holiday inspection services, identification services, certification services, and laboratory services. The Agency is proposing to raise these fees to reflect, among other factors, the national and locality pay raises for Federal employees and inflation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AD12

185. • ELECTRONIC SIGNATURES

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: Federal Meat Inspection Act (FMIA) (21 USC 601 et seq); Poultry Product Inspection Act (PPIA) (21 USC 451 et seq); Egg Products Inspection Act (EPIA) (21 USC 1031 et seq); Government Paperwork Elimination Act of 1998 (PL 105–277, title XVII)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to accept electronic signatures as equal to handwritten signatures so long as the electronic report-generating and recordkeeping system uses procedures and controls designed to ensure authenticity, integrity and, where necessary, confidentiality. Such systems must also ensure that signatures are linked to records; that signatures cannot be excised, copied, transferred, or otherwise falsified; and that the signer cannot repudiate signed records as not genuine.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AD14

Department of Agriculture (USDA) — Final Rule Stage

Food Safety and Inspection Service (FSIS)

186. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 9 CFR 301; 9 CFR 303; 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 320; 9 CFR 325; 9 CFR 331; 9 CFR 381; 9 CFR 417; 9 CFR 430; 9 CFR 431

Legal Deadline: None

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. Along with HACCP, food safety performance standards will give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End	05/29/01	
NPRM Comment Period Extended	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	
Interim Final Rule	06/06/03	68 FR 34208
Interim Final Rule Effective	10/06/03	
Interim Final Rule Comment Period End	01/31/05	
NPRM Comment Period Reopened	03/24/05	70 FR 15017
NPRM Comment Period End	05/09/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583–AC46

187. NUTRITION LABELING OF SINGLE–INGREDIENT PRODUCTS AND GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS

Priority: Economically Significant

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

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: FSIS has proposed to amend the Federal meat and poultry products inspection regulations to require nutrition labeling for the major cuts of single-ingredient, raw meat and poultry products, either on their label or at their point-of-purchase, unless an exemption applies. FSIS also proposed to require nutrition information on the label of ground or chopped meat and poultry products, unless an exemption applies. The requirements for ground or chopped products will be consistent with those for multi-ingredient products.

FSIS also proposed to amend the nutrition labeling regulations to provide that when a ground or chopped product does not meet the regulatory criteria to be labeled ''low fat,'' a lean percentage claim may be included on the label or in labeling, as long as a statement of the fat percentage also is displayed on the label or in labeling.

Timetable:

Action	Date	FR Cite
NPRM	01/18/01	66 FR 4970
NPRM Comment Period End	04/18/01	
Extension of Comment Period	04/20/01	66 FR 20213
NPRM Comment Period End	07/17/01	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583–AC60

188. PERFORMANCE CRITERIA 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 will allow, on a voluntary basis, the on-line antimicrobial reprocessing of pre-chill poultry that are accidently contaminated with digestive tract contents during slaughter. Generic E. coli will be the indicator organism. This pre-chill criterion will be in addition to the post-chill standards for generic E. coli and Salmonella already required by the HACCP regulations. The Salmonella standard for those classes of poultry is a published performance standard.

Timetable:

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment Period End	04/02/01	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AC73

189. FOOD STANDARDS: REQUIREMENTS FOR SUBSTITUTE STANDARDIZED MEAT AND POULTRY PRODUCTS NAMED BY USE OF AN EXPRESSED NUTRIENT CONTENT CLAIM AND A STANDARDIZED TERM

Priority: Other Significant

Legal Authority: 21 USC 601; 21 USC 451

CFR Citation: 9 CFR 381.172; 9 CFR 319.10

Legal Deadline: None

Abstract: FSIS is amending the Federal meat and poultry inspection regulations to establish a general definition and standard of identity for standardized meat and poultry products that have been modified to qualify for use of an expressed nutrient content claim in their product names. These products will be identified by an expressed nutrient content claim, such as ''fat free,'' ''low fat,'' and ''light,'' in conjunction with an appropriate standardized term. FSIS is taking this action to 1) assist consumers to maintain healthy dietary practices by providing for modified versions of standardized meat and poultry products that have reductions of certain constituents that are of health concern to some people, 2) increase regulatory flexibility and support product innovation and, 3) provide consumers with an informative nutrition labeling system.

Timetable:

Action	Date	FR Cite
NPRM	12/29/95	60 FR 67474
NPRM Comment Period End	02/27/96	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583–AC82

190. 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. The rule will update existing regulations to reflect current poultry characteristics and production practices. Therefore, the impact on the poultry industry is expected to be minimal.

Timetable:

Action	Date	FR Cite
NPRM	09/29/03	68 FR 55902
NPRM Comment Period End	02/09/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AC83

191. PROHIBITION OF THE USE OF SPECIFIED RISK MATERIALS FOR HUMAN FOOD AND REQUIREMENTS FOR THE DISPOSITION OF NON–AMBULATORY DISABLED CATTLE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 21 USC 601 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations to designate the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine of all cattle, as ''specified risk materials'' (SRMs). The Agency declared that SRMs are inedible and prohibited their use for human food. In addition, as a result of the interim final rule, FSIS now requires that all non-ambulatory disabled cattle presented for slaughter be condemned. The Agency also requires that federally inspected establishments that slaughter cattle and federally inspected establishments that process the carcasses or parts of cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of SRMs. Establishments must incorporate these procedures into their HACCP plans or in their Sanitation SOPs or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the U.S. Department of Agriculture of a positive case of bovine spongiform encephalopathy (BSE) in an adult Holstein cow in the State of Washington. This action is intended to minimize human exposure to materials that scientific studies have demonstrated as containing the BSE agent in cattle infected with the disease. Infectivity has never been demonstrated in the muscle tissue of cattle experimentally or naturally infected with BSE at any stage of the disease.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1862
Interim Final Rule Comment Period End	04/12/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0583–AC88

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

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50086
NPRM Comment Period End	10/12/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0583–AC91

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

Priority: Other Significant

Legal Authority: 21 USC 601 to 695

CFR Citation: 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1

Legal Deadline: None

Abstract: On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations. The rule is designed, in part, to prevent human exposure to the Bovine Spongiform Encephalopathy (BSE) agent by ensuring that Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) systems are not a means of introducing central nervous system (CNS)-type tissue into product labeled as ''meat.'' Meat may be derived by mechanically separating skeletal muscle tissue from the bones of livestock, other than skulls or vertebral column bones of cattle 30 months of age and older, using advances in mechanical meat/bone separation machinery; i.e., AMR systems. The recovered meat product may not incorporate any brain, trigeminal ganglia, spinal cord, or dorsal root ganglia tissues. In addition, there must be no more than a non-significant incorporation of bone solids or bone marrow as measured by the presence of calcium and iron in excess of the requirements in the interim final rule. This rule also requires that federally inspected establishments that process cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of specified risk materials (SRMs), including non-complying products from beef AMR systems. These procedures are required to be incorporated into an establishment's HACCP plan, Sanitation Standard Operation Procedures, or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the Department of Agriculture of a positive case of BSE in an adult Holstein cow in the State of Washington.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1874
Interim Final Rule Comment Period End	04/12/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Duplicate of 0583–AC51

RIN: 0583–AD00

194. PROHIBITION ON THE USE OF AIR–INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE

Priority: Other Significant

Legal Authority: Federal Meat Inspection Act; . . .

CFR Citation: 9 CFR 313

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to prohibit the use of penetrative captive bolt stunning devices that deliberately inject air into the cranial cavity of cattle. This rulemaking responds to the findings of a risk assessment on bovine spongiform encephalopathy (BSE) conducted by the Harvard Center for Risk Analysis (referred to as the Harvard study) and is part of a series of actions that the USDA is taking to strengthen its BSE prevention programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1885
Interim Final Rule Comment Period End	05/07/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0583–AD03

USDA—FSIS

Final Rule Stage

195. FREQUENCY OF FOREIGN INSPECTION SYSTEM SUPERVISORY VISITS TO CERTIFIED FOREIGN ESTABLISHMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 to 695; 7 CFR 2.18, 2.53; 7 USC 138f, 450; 21 USC 451 to 470

CFR Citation: 9 CFR 327.2; 9 CFR 381.96

Legal Deadline: None

Abstract: FSIS is proposing to amend its regulations to change the required frequency of foreign inspection system supervisory visits to certified foreign establishments so as to bring FSIS import requirements into agreement with its requirements for domestic establishments. FSIS is proposing to delete the current requirement that supervisory visits take place ''not less frequent[ly] than one such visit per month.'' In its place, FSIS is proposing to require foreign inspection systems to make ''periodic supervisory visits'' to certified establishments in order to ensure that such establishments continue to meet FSIS requirements for certification to export meat and poultry to the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/18/04	69 FR 51194
NPRM Comment Period End	10/18/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AD08

196. • TERMINATION OF DESIGNATION OF THE STATE OF NORTH DAKOTA WITH RESPECT TO THE INSPECTION OF POULTRY PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 454(c) (1); 21 USC 454(3)

CFR Citation: 9 CFR 381.221; 9 CFR 381.224

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to amend the poultry products inspection regulations by terminating the designation of the State of North Dakota. The Agriculture Commissioner of the State of North Dakota said the State is in a position to administer a poultry inspection program equal to the Federal program and requested that North Dakota be removed from Federal designation.

Timetable:

Action	Date	FR Cite
NPRM	03/14/05	70 FR 12420
NPRM Comment Period End	04/13/05	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 0583–AD13

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

197. ANTE–MORTEM AND POST–MORTEM INSPECTION OF LIVESTOCK AND POULTRY

Priority: Other Significant

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	05/22/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

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Related RIN: Duplicate of 0583–AC43

RIN: 0583–AD02

198. RETAIL EXEMPTION

Priority: Other Significant

CFR Citation: 9 CFR 303.1; 9 CFR 381.10

Completed:

Reason	Date	FR Cite
Withdrawn	02/07/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AD04

199. UNIFORM COMPLIANCE DATE FOR FOOD LABELING REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Rule	12/14/04	69 FR 74405

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AD05

USDA—FSIS

Completed Actions

200. • ADDITION OF SLOVAKIA TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT MEAT PRODUCTS TO THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: Federal Meat Inspection Act (FMIA) (21 USC 601 et seq)

CFR Citation: 9 CFR 327.2(b)

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is adding Slovakia to the list of countries eligible to export meat products to the United States. Reviews of Slovakia's laws, regulations, and other written materials show that its meat processing system meets requirements that are equivalent to the relevant provisions of the Federal Meat Inspection Act (FMIA) and its implementing regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/13/01	66 FR 42472
NPRM Comment Period End	10/12/01	
Final Rule	02/08/05	70 FR 6554

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583–AD15

BILLING CODE 3410—DM—S

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

Proposed Rule Stage

201. QUALITY SAMPLES PROGRAM

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Rule proposes to establish regulations applicable to the Quality Samples Program (QSP), currently authorized by section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f). This proposed rule would codify existing guidelines. The rule would provide specific regulations concerning program administration. Significant provisions include program objectives and priorities, eligible organizations, qualification requirements, application and review processes, reimbursement rules and procedures, financial reporting and program evaluation requirements, and program controls.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: www.fas.usda.gov

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RIN: 0551–AA68

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

Final Rule Stage

202. NEW PROVISIONS AND REVISIONS TO SUGAR REEXPORT PROGRAMS UNDER 7 CFR 1530

Priority: Other Significant

Legal Authority: 19 USC 1202; 19 USC 3314

CFR Citation: 7 CFR 1530

Legal Deadline: None

Abstract: This regulation governs the importation of world price sugar and its subsequent use as a refined reexport, product ingredient, or input into the production of polyhydric alcohols. The proposed amendments and/or modifications are principally aimed at reorganizing and simplifying the complexity of the current regulation; clarifying certain definitions, including the coverage of beet and cane sugar; extending the scope of the regulation to specially include toll operations, which was inadvertently omitted; and implementing Mexico-NAFTA legal commitments. The proposed action will provide for increased operational efficiencies and promote the Government's objectives regarding regulatory simplification.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/03	68 FR 23230
ANPRM Comment Period End	06/02/03	
NPRM	01/21/05	70 FR 3150
NPRM Comment Period End	03/22/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

USDA—FAS

Final Rule Stage

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RIN: 0551–AA65

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

Completed Actions

203. CCC SUPPLIER CREDIT GUARANTEE PROGRAM

Priority: Economically Significant

CFR Citation: 7 CFR 1493

Completed:

Reason	Date	FR Cite
Withdrawn	02/28/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0551–AA30

204. FACILITY GUARANTEE PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 17; 7 CFR 1493

Completed:

Reason	Date	FR Cite
Withdrawn	02/28/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0551–AA35

205. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO PROMOTE U.S. AGRICULTURAL EXPORTS TO EMERGING MARKETS (EMERGING MARKETS PROGRAM)

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/04/05	70 FR 253

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0551–AA62

BILLING CODE 3410—10—S

Department of Agriculture (USDA)
Forest Service (FS)

Proposed Rule Stage

206. 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 part 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 17 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	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596–AA52

207. 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 subsection (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	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 0596–AB27

208. 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 212; 36 CFR 214; 36 CFR 215; 36 CFR 228; 26 CFR 241; 36 CFR 251; 36 CFR 254; 36 CFR 292

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed rule to revise the process by which certain parties can appeal decisions relating to authorizations for use and occupancy of National Forest System lands and resources. This proposed rule would create a new part 214 to replace regulations at 36 CFR part 251, subpart C. The Forest Service has a continuing commitment to review its regulations periodically, to identify specific problems in administering them, and to determine whether they meet agency and public needs. Experience with the procedures at 36 CFR part 251, subpart C, has shown that certain provisions in the rule consistently raise questions. Thus, the agency has identified a need to amend the procedures at 36 CFR part 251, subpart C, to correct and clarify aspects of the part 251 appeals process and its relationship to the amended appeal rule at 36 CFR part 215. Among specific changes being proposed are acknowledgement that this is the appropriate part for appeal of decisions related to locatable mining operations; making terminology consistent with part 215; establishing timeframes for intervening, scheduling oral presentations or requesting stays; clarifying that decisions to deny permits for noncommercial group use are not subject to appeal, but rather are immediately subject to judicial review; and making conforming technical revisions to 36 CFR parts 212, 215, 228, 241, 251, 254, and 292.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596–AB45

209. 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: On February 16, 1994 (59 FR 7880), the Forest Service published a proposed rule for 36 CFR part 261, Prohibitions, and part 262, Law Enforcement Support Activities. Due to the high level of interest in and comment on part 261, the decision was made to publish second proposed rules separately for each part.

The Forest Service is proceeding with publication of a second proposed rule for part 262, Law Enforcement Support Activities. The proposed revisions to part 262 are narrow in scope and are meant to clarify specific administrative provisions. In particular, they address the limitations and conditions for paying rewards in connection to fire or property prosecution; clarify the rules regarding the purchase of information or evidence in furtherance of investigations; and clarify certain actions and regulations regarding the impoundment, removal, and disposition of animals and personal property from National Forest System lands. The proposed rule also responds

to comments concerning part 262 that were received in response to the proposed rule published in 1994. The majority of those comments referred to how the rule defines certain terms. To address those comments in this second proposed rule, the agency proposes to add a new section for definitions.

Timetable:

Action	Date	FR Cite
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AB61

210. NONCOMPETITIVE SALE OF TIMBER; TIMBER SUBSTITUTION

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 changing the reference to 16 U.S.C. 472(d) to 16 U.S.C. 472a(d). This proposed rule would revise the existing regulations regarding noncompetitive sale of timber based on the Secretary of Agriculture's determination that ''extraordinary conditions'' exist to apply to sales agency wide. This proposed rule would add paragraph (c), which further defines extraordinary conditions to allow forest officers, without advertisement, to make modifications to awarded timber and forest product sales, which result in the substitution of timber or forest products from outside the sale area specified in the contract. This would be applied to situations where replacement timber from outside the sale area could be substituted for timber lost as a result of litigation or catastrophic events. Substitute timber or forest products must be from the same National Environmental Policy Act (NEPA) analysis area, and meet agency requirements for compliance with the NEPA, the National Forest Management Act, and notice, comment, and appeal procedures at 36 CFR part 215. This proposed rule would authorize the Forest Service to propose timber sale modifications and to enter into discussions with purchasers on such modifications. But, timber purchasers would not be obligated to accept any proposed modifications.

To the extent that timber sale cancellations and partial cancellations are avoided, the effect of this proposed rule would be to reduce future damage claims on timber sales.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596–AB70

211. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 620

CFR Citation: 36 CFR 223; 36 CFR 261

Legal Deadline: None

Abstract: This proposed rule for timber export and substitution restrictions would implement the provisions of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended in 1997. 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 National Forest System (NFS) and private timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed NFS 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0596–AB75

212. 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.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AB98

213. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVES (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL (FSM) 1330, 1900, AND FOREST SERVICE HANDBOOK (FSH) 1909.12)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC et seq; 5 USC 301

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is proposing to revise its directives issued to the Forest Service Manual (FSM) 1330, New Management Strategies, 1900, Planning, and Forest Service Handbook (FSH) 1909.12, Land and Resource Management Planning Handbook. These directives would provide the detailed direction to agency employees necessary to implement the provisions in the final rule adopted at 36 CFR part 219 governing land and resource management planning. The final rule was published on January 5, 2005 (70 FR 1023).

Timetable:

Action	Date	FR Cite
Proposed Directives	05/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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Related RIN: Related to 0596–AB86

RIN: 0596–AC02

214. GRAZING PERMIT ADMINISTRATION (PROPOSED DIRECTIVES, FOREST SERVICE HANDBOOK 2209.13, CHAPTERS 10 AND 20)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 5801

CFR Citation: None

Legal Deadline: None

Abstract: Updated national direction is needed to ensure the agency is both current and consistent in working with grazing permittees in all Forest Service Regions. The Forest Service is proposing to issue amendments to certain chapters and sections of Forest Service Manual (FSM) title 2200, Rangeland Management, and to all chapters of Forest Service Handbook (FSH) 2209.13, Grazing Permit Administration. The last substantive amendments to both FSM 2200 and FSH 2209.13 were made in 1985. Clarifications and adjustments in policy are necessary to respond to changing needs of both the Forest Service and the livestock industry and to make the agency's policy current with legislation, court decisions, and agency management. The Forest Service has determined that two chapters in FSH 2209.13 require public notice and comment before the amendments can be finalized: Chapter 10, Permits With Term Status, and chapter 20, Grazing Agreements. Both chapters contain substantive changes to agency operating procedures that affect how the Forest Service does business with permittees, grazing associations, and applicants for livestock grazing authorizations.

Timetable:

Action	Date	FR Cite
Proposed Directives	05/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC12

215. WATERSHED FORESTRY ASSISTANCE PROGRAM

Priority: Other Significant

Legal Authority: PL 108–148

CFR Citation: None

Legal Deadline: None

Abstract: Section 302 of title III of the Healthy Forests Restoration Act of 2003 (Pub. L. 108-148), through an amendment to the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a), directs the Secretary of Agriculture to establish the Watershed Forestry Assistance Program (WFAP), which would be administered by the Forest Service and implemented by the State Foresters or equivalent State officials. The Forest Service is working with State Foresters to develop guidelines for implementing WFAP. The purpose of WFAP is to address watershed issues on non-Federal forested and potentially forested land. The program's goals are to improve watershed health through forestry practices; to build partnerships; to promote collaborative watershed approaches; and to provide technical, financial, and educational assistance to qualified landowners and entities. Section 302 of the act requires the development of (1) a watershed forestry technical assistance program and (2) a watershed forestry cost-share program. The WFAP is very similar to other State and Private Forestry cooperative grant and agreement programs that the Forest Service has managed over the past 50 years.

The WFAP guidelines will establish the criteria that State Foresters and landowners and other entities must meet in implementing WFAP. These criteria include landowner/entity eligibility and responsibilities, acceptable watershed forestry projects, and selection of priority watersheds. The guidelines also will establish budget allocation procedures and monitoring and accomplishment reporting requirements. The guidelines will, to the extent consistent with

Federal accountability and oversight responsibility, allow flexibility to the States to implement the program in a manner consistent with local needs and opportunities.

The Forest Service plans to publish a proposed guideline with request for comment in the Federal Register. Comments received will be considered in the development of the final guideline and additional agency directives issued to Forest Service Manual (FSM) 3500, Cooperative Watershed Management.

Timetable:

Action	Date	FR Cite
Advance Notice of Proposed Guideline	05/25/04	69 FR 29688
Comment Period End	07/26/04	
Proposed Guideline	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

URL For More Information: http://www.fs.fed.us/cooperativeforestry/programs/wfa/

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Related RIN: Related to 0596–AC19

RIN: 0596–AC18

216. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM

Priority: Other Significant

Legal Authority: PL 108–148

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service, in cooperation with Indian Tribes, is preparing a proposed guideline for implementing the Tribal Watershed Forestry Assistance Program (TWFAP) authorized in title III, section 303, of the Healthy Forests Restoration Act of 2003 (Pub. L. 108-148). The purpose of TWFAP is to address watershed issues on lands under tribal jurisdiction. The program's goals are to improve watershed health through forestry practices; to build partnerships; to promote collaborative watershed approaches; and to provide technical, financial, and educational assistance to participating Tribes. Section 303 of the act requires development of (1) a tribal watershed forestry technical assistance program and (2) a tribal watershed forestry award program.

The Forest Service plans to publish a proposed guideline with request for comment in the Federal Register. Comments received will be considered in the development of the final guideline and additional agency directives issued to Forest Service Manual (FSM) 3500, Cooperative Watershed Management.

Timetable:

Action	Date	FR Cite
Advance Notice of Proposed Guideline	05/25/04	69 FR 29687
Comment Period End	07/26/04	
Proposed Guideline	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Tribal

URL For More Information: http://www.fs.fed.us/cooperativeforestry/programs/wfa/

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Related RIN: Related to 0596–AC18

RIN: 0596–AC19

217. ONSHORE OIL AND GAS OPERATIONS; FEDERAL AND INDIAN OIL AND GAS LEASES; ONSHORE OIL AND GAS ORDER NUMBER 1, APPROVAL OF OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 223 et seq

CFR Citation: 36 CFR 228

Legal Deadline: None

Abstract: Through a joint Federal Register publication, the Bureau of Land Management (BLM), acting as lead agency, and the Forest Service are proposing to revise the current 1983 Onshore Oil and Gas Order Number 1 (Order). The new proposed Order is being jointly published by the Forest Service and the BLM to facilitate common conservation practices and procedures across agency boundaries.

The Order provides the requirements necessary for the approval of all proposed oil and gas exploratory, development, or service wells on all Federal and Indian (except Osage Tribe) onshore oil and gas leases. The revision is necessary due to provisions of the 1987 Federal Onshore Oil and Gas Leasing Reform Act, legal opinions, court cases since the Order was issued in 1983, and other policy and procedural changes. The revised Order would address the submittal of a complete Application for Permit to Drill or Deepen package (APD), including a Drilling Plan, Surface Use Plan or Operations, evidence of bond coverage, operator certification, and clarification as to when a BLM right-of-way grant or Forest Service special use permit are needed to authorize secondary uses supporting the oil and gas operation.

The proposed rule changes to 36 CFR part 228 would include: (1) Removal of a specific reference to the 1983 Order to a reference that plans of operations or master development plans be submitted ''in accordance with the current applicable Onshore Oil and Gas Order,'' (2) removal of the appendix (text of 1983 Order), and (3) removal of a non-existent cross-reference to appeal procedures at 36 CFR part 217 and replacing that reference with ''the current applicable agency appeal procedures.''

The proposed rule provides for a 60-day notice and comment period. Comments received on the proposed rule will be considered in the development of a final rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC20

218. PREDATOR DAMAGE MANAGEMENT (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 426

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a notice of proposed directive to FSM 2320 to clarify the role of the Forest Service in predator damage management in wilderness. In 1993, the Forest Service entered into a memorandum of understanding (MOU) with the Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) to clarify the Forest Service's role in working with APHIS-WS regarding predator damage management activities conducted by APHIS-WS on National Forest System lands. In 1995, direction was issued to FSM 2650 to bring Forest Service policy on predator damage management into conformance with the MOU. Additionally in 1995, an interim directive to FSM 2323.33c was issued regarding predator damage management in wilderness to conform with both the MOU and FSM 2650. The interim directive clarified the role of APHIS-WS as the lead agency in preparing environmental documentation for predator control activities initiated by APHIS. The interim directive to FSM 2323.33c was reissued in 1997, and expired in 1998. Therefore, the current direction in effect in FSM chapter 2320 does not reflect the MOU, or policy changes made in FSM 2650. A Washington Office team is working with Regional staff, APHIS-WS, and the Office of General Counsel to amend FSM 2320 to conform with the MOU, FSM 2650, and clarify and strengthen the Forest Service's role and responsibility regarding predator damage management action in wilderness. Comments received on this proposed directive will be considered in the development of the final directive.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC22

219. RECREATION EVENT FEES (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2720)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 497, 551

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed directive to amend Forest Service Manual 2721.49 regarding the basis of determining fees for recreation events. Currently, fees are based on a percentage of gross revenues. The proposed fee system would establish a fee based on the number of people involved in the event. This modification in the fee system would result in fees similar to the Bureau of Land Management for this type of use. Additionally, the modification would reduce the administrative workload, for both holders and the Government, associated with the auditing of records for permits that generate less than $100,000 in revenue.

Timetable:

Action	Date	FR Cite
Proposed Directive	09/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC24

220. OUTFITTER AND GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVES, FOREST SERVICE HANDBOOK 2709.11, CHAPTERS 30 AND 40)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 497

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed directive to amend certain portions of agency direction for outfitter/guide special use authorizations. This action is being taken to ensure quality long term public service and reduce administrative burden to small business and the agency. The proposed directive would revise a number of existing provisions and provide new direction. For example, the current fee system would change from one based on a percentage of gross revenue to a flat rate concession fee for minor uses; guidance for considering capacity analysis would be developed, and the transfer and renewal of existing authorizations and the accommodation of short term use would be clarified.

Timetable:

Action	Date	FR Cite
Proposed Directives	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC25

221. SECRETARY DETERMINATION THAT DOMESTIC SPECIES OF UNPROCESSED TIMBER ARE SURPLUS TO DOMESTIC NEEDS WITHIN ZONE OF SOUTHERN CALIFORNIA

Priority: Other Significant

Legal Authority: 16 USC 620

CFR Citation: 36 CFR 223.200(d)

Legal Deadline: None

Abstract: The Forest Service is proposing to amend 36 CFR 223.200 to add a new paragraph (d) to address the Secretary of Agriculture's proposed determination that domestic species of unprocessed timber within the zone of southern California are being considered surplus to domestic needs. Section 439 of Public Law 101-382, the Forest Resources Conservation and Shortage Relief Act (16 U.S.C. 620 note, 620, 620a-j) established special authorities for determining if specific quantities of grades and species of unprocessed timber originating from Federal lands is surplus to domestic manufacturing needs.

Extended drought conditions, overstocking, and increased bark beetle activities have created a forest health and fuels management crisis on national forests in southern California. The San Bernardino National Forest, the most heavily impacted national forest, has identified over 100,000 acres of dead and dying timber for priority treatment, with an estimated 140 million board feet of salvage volume. As of September 2003, over 474,000 acres of the gross acreage within the forest boundary is showing significant vegetative mortality. Processing infrastructure such as loggers, log truckers, or mills do not exist in the area. Most of this timber volume is economically inaccessible to the domestic timber market.

The Secretary's proposed determination that domestic species of unprocessed timber is surplus to domestic needs would allow the lifting of export restrictions so unprocessed timber could be offered on the foreign market. This action would increase utilization of dead and dying timber, increase capability to reduce hazardous fuels, and decrease government costs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC27

222. NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES

Priority: Other Significant

Legal Authority: 16 USC 472, 551, 1612 note

CFR Citation: 36 CFR 215

Legal Deadline: None

Abstract: The Forest Service recently promulgated a final rule on June 4, 2003 (68 FR 33595), at 36 CFR part 215, to establish a process by which the public can receive notice and be provided an opportunity to comment on proposed actions for projects and activities implementing a land and resource management plan prior to a decision by the Responsible Official. The rule also established an appeal process and identified the decisions that may be appealed, who may appeal those decisions, the responsibilities of the participants in an appeal, and the procedures that apply for the prompt disposition of the appeal.

Since publishing the current rule at 36 CFR part 215, the Forest Service has identified inconsistencies between sections of this regulation, sections that are inconsistent with other regulations, and some inadvertent omissions. Therefore, the Forest Service is proposing a technical amendment to the rule to resolve inconsistencies and clarify intent.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC28

223. • MARKET–RELATED CONTRACT TERM ADDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 36 CFR 223.52

Legal Deadline: None

Abstract: The Forest Service proposes to amend the current regulation at 36 CFR 223.52 to require the use of three alternative Producer Price Indices (PPI) from the Bureau of Labor Statistics in lieu of the four PPI that the Forest Service has monitored for timber sale contract market-related contract term additions. As of January, 2004, the Bureau of Labor Statistics discontinued providing three of the four PPI that the Forest Service has monitored and changed the reference number for the fourth PPI. By using the three alternative PPI, the Forest Service will be able to continue providing market-related contract term additions during drastic reductions in wood products market prices.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC29

224. • CLARIFYING PROHIBITIONS AGAINST DAMAGE TO THE NATIONAL FOREST BY ESCAPED FIRES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.1; 36 CFR 261.2; 36 CFR 261.5

Legal Deadline: None

Abstract: The Forest Service intends to amend 36 CFR 261.1, 261.2, and 261.5 to clarify that strict liability will be applied to a person who commits a prohibited action under section 261

that results in a fire escaping and damaging or threatening National Forest System lands. This section has not been interpreted consistently in the courts. We intend to achieve consistency in application and interpretation by amending the CFR to align with the Model Penal Code definitions of criminal intent.

In addition, we intend to clarify that a person conducting a legitimate prescribed fire on private or public lands adjacent to National Forest System Lands will be subject to the Model Penal Code standard of negligence. This will bring the law enforcement action in line with the objectives and goals of the National Fire Plan and the Healthy Forest Initiative by assuring those who conduct those activities with due diligence that they will not be subject to a strict liability interpretation in 36 CFR 261.5.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC30

225. • REVISIONS TO GENERAL PROHIBITIONS REGARDING LIVESTOCK AND WILD FREE–ROAMING HORSES AND BURROS ON NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.7 ; 36 CFR 261.21

Legal Deadline: None

Abstract: The Forest Service is proposing to revise title 36 of the Code of Federal Regulations, subpart A, section 261.7 and section 261.21 to clarify ambiguity regarding whether strict liability must be proven for the general prohibitions in each section.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC31

226. • NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTATION FOR SPORICIDE USE ON NATIONAL FOREST SYSTEM LANDS (PROPOSED DIRECTIVE, FOREST SERVICE HANDBOOK (FSH) 1909.15, CHAPTER 30)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321–4346

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is considering development of a new Categorical Exclusion (CE) to Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, chapter 30, which address categories of action that normally do not require either an environmental impact statement (EIS) or environmental assessment (EA). The new category would be applicable to the use of fungicide on recently cut trees through thinning or other tree cutting activity in conjunction with the Healthy Forest Initiative categorical exclusions (and possibly other situations). Coordination with other governmental agencies will be conducted during development of the aforementioned CE.

The Healthy Forest Initiatives (HFI) Categorical Exclusion 31.2(10) states 'Hazardous fuels reduction activities . . .(d) shall not include the use of herbicide or pesticides. . . .' It has come to our attention that a frequently connected action of thinning for fuels reduction is the use of sporax or borax fungicide to maintain stand health. Such fungicides, although commonly used in forestry and elsewhere, are technically classified as a pesticide and as such are not allowed under 31.2(10). This incongruity has had the following effect: (a) Some units are alternatively using timber sale improvement category 31.2(6) or other categories, because they do not preclude the use of fungicides. (1) This results in an underreporting of HFI accomplishments. (2) Given the scope of the other categories, it is likely that fewer acres are being treated. (b) Although not confirmed, some units may not be treating the harvested stands to protect against fungal agents which could put stands at risk. (c) Some units may be alternatively using environmental assessments. This results in increased costs and time and underreporting of HFI accomplishments.

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC32

227. • PISCICIDE APPLICATIONS ON NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 36 CFR 241; 36 CFR 251.50(a); 36 CFR 261.9(f)

Legal Deadline: None

Abstract: State Fish and Game agencies typically use piscicides as a tool for managing fish populations in water bodies of the U.S. At times, these State agencies apply piscicides when they conduct fisheries management on water within the National Forest Systems lands. Current regulations at 36 CFR 251.5 and 261.9(f), require permits for all land uses and prohibit the use of

any pesticide on National Forest System lands ''. . . except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.'' The wording in these regulations has led to confusion and inconsistent application of Forest Service piscicide policy that has delayed restoration projects and strained working relationships with State cooperators.

Therefore, the Forest Service is proposing that the regulations at 36 CFR part 241 (Fish and Wildlife), 36 CFR part 251, subpart B, (Special Uses, 251.50(a)), and 36 CFR part 261, subpart A (General Prohibitions, 36 CFR 261.9(f)) be modified to allow State Game and Fish agencies to apply piscicides without first having to obtain a special use authorization, under certain conditions. A special use authorization would still be required for piscicide application within wilderness areas. The regulation could help eliminate redundancy with other State and Federal laws and regulations and improve the implementation of restoration and management projects.

Eliminating the Forest Service special use authorization requirement for this use is not expected to change the frequency of piscicide applications on National Forest System lands, or change how piscicides are used. States are required to comply with other Federal laws when applying piscicides, such as the Federal Water Pollution Control Act and the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC33

228. • NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE DOCUMENTATION FOR SURFACE USE PLANS OF OPERATION FOR EXPLORATION OR DEVELOPMENT OF AN OIL AND GAS LEASE (PROPOSED DIRECTIVE, FSH 1909.15, CHAPTER 3)

Priority: Other Significant

Legal Authority: 42 USC 4321–4346

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service proposes to add a new categorical exclusion 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 (EIS) or environmental assessment (EA). The new category will be applicable to the issuance of Surface Use Plans of Operation for exploration or development of an oil and gas lease.

Executive Order 13212 states that ''For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections. The agencies shall take such actions to the extent permitted by law and regulation, and where appropriate.''

The National Energy Policy and the Forest Service Energy Implementation plan call for streamlining of processing Applications for Permit to Drill (APDs) and other energy related permits in an environmentally sound manner.

Comments received on the proposed categorical exclusion will be used in development of the final direction in FSH 1909.15, chapter 30. In accordance with Council on Environmental Quality regulations, the Forest Service must give prior notice and opportunity for comment by publishing the proposed categorical exclusion in the Federal Register before the agency adopts final direction.

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC34

229. • FEDERAL LANDS RECREATION ENHANCEMENT ACT IMPLEMENTATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–447

CFR Citation: 36 CFR 291.2; 36 CFR 261.15

Legal Deadline: None

Abstract: The Appropriations Act for the Department of the Interior and related agencies for fiscal year 2005 (Pub. L. 108-447) contains the Federal Lands Recreation Enhancement Act that allows the Secretaries of the Interior and Agriculture to establish, modify, change, and collect recreation fees at Federal recreation lands and waters administered by the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service. In addition, the act (1) specifies criteria for how different types of fees may be established and charged in a consistent manner across all the Federal land management agencies; (2) establishes an interagency national recreation pass; (3) requires the establishment of Recreation Resource Advisory Committees to make recommendations relating to public concerns with certain fees in the area covered by the Committee(s); and (4) identifies requirements for providing the public with opportunities to participate in the development of or changing of a recreation fee established under this act. The Forest Service proposes to amend Title 36, Code of Federal Regulations, by removing section 291.2, and revising section 261.15. Revisions to section 261.15 would more accurately describe the types of fees punishable for nonpayment and remove the maximum $100 fine with language from the act specifying that the failure to pay a required recreation fee under the act is punishable as a Class B misdemeanor.

USDA—FS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC35

230. • WILDERNESS MANAGEMENT (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 2320)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is proposing to revise its directives issued in the Forest Service Manual (FSM) 2320, Wilderness Management. Updated manual direction is needed to provide clarifications and adjustments to agency policy to ensure that the agency is current in policy direction regarding management of wilderness units located on National Forest System lands. The last substantive amendments to FSM 2320 were made in 1990.

Timetable:

Action	Date	FR Cite
Proposed Directive	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC36

231. • CLARIFICATION FOR THE APPROPRIATE USE OF A CRIMINAL OR A CIVIL CITATION TO ENFORCE MINERAL REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 36 CFR 261.10 (b); 36 CFR 261.10 (k)

Legal Deadline: None

Abstract: The Forest Service is proposing to amend the regulations at 36 CFR 261.10 to clarify when a criminal citation should be used for unauthorized mining operations. This revision is necessary to address recent adverse District Court decisions which have found that sections 261.10(b) and (k) do not apply to the enforcement of unauthorized mining operations. These sections deal with taking possession of, occupying, or using National Forest System lands for residential purposes, and the use or occupancy of the lands or facilities, respectively. Adding appropriate language would make it clear that these sections do apply to mineral operations.

In addition, in the definitions section where operating plan is defined, references to other mineral-related regulations need to be added to indicate that 36 CFR 261.10 applies to them as well.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC38

Department of Agriculture (USDA)
Forest Service (FS)

Final Rule Stage

232. SALE AND DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS

Priority: Substantive, Nonsignificant

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 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 cancelled 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

Action	Date	FR Cite
NPRM Comment Period End	02/13/97	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596–AB21

233. LAND USES; SPECIAL USES; RECOVERY OF COSTS FOR PROCESSING SPECIAL USE APPLICATIONS AND MONITORING COMPLIANCE WITH SPECIAL USE AUTHORIZATIONS

Priority: Other Significant

Legal Authority: 43 USC 1764; 30 USC 181

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: This final rule, as authorized by the Mineral Leasing Act, the Federal Land Policy and Management Act, and other statutes, would provide for recovering costs associated with processing applications for special use authorizations to use and occupy National Forest System (NFS) lands and with monitoring compliance with these special use authorizations. The action is needed to provide timely reviews and evaluations of special use applications; to ensure that forest resources are adequately protected; and to ensure that holders comply with the terms and conditions of their authorization. Promulgation of this rule would comply with requirements of OMB Circular A-25, section 7, which directs that user charges be instituted through promulgation of agency regulations implementing the authority for Federal agencies to recover costs under the Independent Officers Appropriations Act (IOAA). The rule would also respond to recommendations in GAO reports RCED-96-84 (April 1996) and RCED 97-16 (December 1996) that the Forest Service (1) operate its special uses program in a more cost-efficient and businesslike manner and (2) promulgate regulations allowing the Agency to exercise existing authority to recover from applicants and holders the Agency's costs to process special-use applications and monitor compliance with those authorizations. This rule would also make Forest Service procedures and fees related to cost recovery consistent with the Bureau of Land Management's (BLM) rules at 43 CFR parts 2800, 2880, and 2930.

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	
NPRM Comment Period Extended	02/25/00	65 FR 10042
NPRM Comment Period End	03/09/00	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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

234. 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 is promulgating 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 interim final rule also implements Public Law 106-113, which authorizes a pilot program of charges and fees for harvest of 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
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0596–AB81

235. DETERMINING FAIR MARKET VALUE FOR RECREATION RESIDENCE USE AUTHORIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 497; PL 106–291, title VI

CFR Citation: 36 CFR 251

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. The Forest Service is adopting final regulations at 36 CFR part 251, subpart B, and final policy in the Forest Service Manual (FSM) 2347 and FSM 2721, and Forest Service Handbook (FSH)

2709.11, section 33, and FSH 5409.12, chapter 6, that would provide the regulatory framework and Agency management direction necessary to implement the provisions of the act. The proposed policies and proposed rule were published on May 13, 2003 (68 FR 25748), with a 60-day comment period ending August 11, 2003. The proposed rule and proposed policy included provisions for establishing a base annual fee and a new appraisal cycle, conducting inventories of recreation residence lots, and setting out appeal and judicial review processes and appraisal guidelines for appraising the fee simple value of recreation residence lots. Approximately 950 comments were received, the majority of which were submitted by permit holders or organized associations of permit holders. The comments are being analyzed and will be considered in development of the final rule and policy.

Timetable:

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25748
NPRM Comment Period End	08/11/03	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596–AB83

236. NATIONAL FOREST SYSTEM LAND 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 requesting comment on a proposed revision to its procedures for implementing the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations. This proposed revision is being made to Forest Service Handbook 1909.15, chapter 30, which describes categorical exclusions, that is, categories of actions that will not result in significant impacts on the human environment and which are therefore exempt from requirements to prepare further NEPA documentation absent extraordinary circumstances. The proposal would add one such category of actions to the agency's NEPA procedures for final decisions on proposals to develop, amend, or revise land management plans that are comprised of five components which are desired conditions, objectives, guidelines, suitability of areas, and special areas for a forest. This proposal was published in conjunction with the final Forest Service planning regulations published January 5, 2005.

Timetable:

Action	Date	FR Cite
NPRM	12/06/02	67 FR 72770
NPRM Comment Period End	03/24/03	
Final Rule	01/05/05	70 FR 1023
Proposed Directive	01/05/05	70 FR 1062
Comment Period End	03/07/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AB86

237. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES

Priority: Other Significant

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 part 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 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
Proposed Interim Directive	02/17/05	70 FR 8066
Comment Period End	04/18/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AB92

238. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES

Priority: Other Significant

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 part 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
Proposed Interim Directive	02/17/05	70 FR 8060
Comment Period End	04/18/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AB93

239. COMMUNITY AND PRIVATE LAND FOREST FIRE ASSISTANCE PROGRAM

Priority: Other Significant

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	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596–AB96

240. DELEGATION OF AUTHORITY TO APPROVE FREE USE BY INDIVIDUALS

Priority: Info./Admin./Other

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.8

Legal Deadline: None

Abstract: The Forest Service is developing an interim final rule to revise the current regulations at 36 CFR 223.8 to increase the value of timber and special forest products on National Forest System lands made available for free use. The current regulation, which has not been updated for over 30 years, provides for free use of timber up to $20 in value in any one fiscal year. Forest Supervisors may grant permits of material not exceeding $100 in value. Regional Foresters may approve permits for larger amounts and, in times of emergency, may delegate authority to Forest Supervisors for up to $500 in value. Prior approval is required by the Chief if the amount exceeds $5,000 in value. The market value of timber and special forest products has increased, however, and therefore, the regulation needs to be updated to reflect current values. This increase will authorize Forest Supervisors and Regional Foresters to provide free use of timber and special forest products up to $5,000 and $10,000 in value respectively. The interim final rule will be published in the Federal Register with request for public comment. Comments received will be considered in the development of the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC09

241. STATE PETITIONS FOR INVENTORIED ROADLESS AREA MANAGEMENT

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 529; 16 USC 551; 16 USC 1608; 16 USC 1613; 23 USC 201; 23 USC 205

CFR Citation: 36 CFR 294 subpart B

Legal Deadline: None

Abstract: On January 12, 2001, the Forest Service published the Roadless Area Conservation final rule (the ''roadless rule'') in the Federal Register establishing prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas at 36 CFR part 294, subpart B (66 FR 3244). Since publication, the roadless rule has been challenged by nine lawsuits filed in six judicial districts and in four Federal circuits. On July 14, 2003, the U.S. District Court for the District of Wyoming issued a permanent injunction order enjoining the Department from implementing the roadless rule. That ruling has been appealed.

Due to the continued legal uncertainty of providing protection for roadless areas through the application of the roadless rule, the Agency is proposing to amend the roadless rule by replacing the prohibitions of the January 2001 rule with a procedural rule that would

set out an administrative process for State Governors to petition the Secretary of Agriculture to establish or adjust management direction for roadless areas within their State. Such petitions would be evaluated and, if agreed to, addressed by the Secretary in subsequent rulemaking on a State-by-State basis.

Timetable:

Action	Date	FR Cite
NPRM	07/16/04	69 FR 42636
NPRM Comment Period End	09/14/04	
NPRM Comment Period Extended	09/09/04	69 FR 54600
NPRM Comment Period End	11/15/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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

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RIN: 0596–AC10

242. TRAVEL MANAGEMENT, DESIGNATED ROUTES, AND AREAS FOR MOTOR VEHICLE USE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 23 USC 205

CFR Citation: 36 CFR 212, 251, 261, and 295

Legal Deadline: None

Abstract: The Forest Service will be publishing a final rule amending 36 CFR part 212 by establishing three subparts. Subpart A will be established for Administration of the Forest Transportation System; subpart B will be established for Designation of Roads, Trails, and Areas for Motor Vehicle Use; subpart C will be for snowmobile use; 36 CFR part 295 will be incorporated into 36 CFR part 212, subpart B. The final rule will also clarify definitions and direction, and improve consistency in management of off-highway vehicles on National Forest System lands in an effort to blend broad agency policy with local decisionmaking. These changes ensure that collaborative efforts at the local level are integrated into decisionmaking.

Additionally, the final rule amends 36 CFR part 261 and 36 CFR part 251 to update language in current usage consistent with the changes to 36 CFR part 295 and 36 CFR part 212, and to add prohibitions not currently covered in existing regulations that would clarify the management and use of off-highway vehicles on National Forest System lands.

Timetable:

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42381
NPRM Comment Period End	09/13/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC11

243. NATIONAL FOREST SYSTEM APPEALS AND LITIGATION (FINAL DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 1570)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472, 551, 1612 note

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is revising its directives issued to the Forest Service Manual (FSM) 1570, Appeals and Litigation, to reestablish the Forest Service Handbook (FSH) 1509.12 for appeals filed pursuant to notice, comment, and appeal procedures for National Forest System projects and activities at 36 CFR part 215. These directives would provide additional direction to agency employees necessary to implement the provisions in 36 CFR part 215, adopted on June 4, 2003 (68 FR 33582).

Timetable:

Action	Date	FR Cite
Final Directives	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC13

244. PREDECISIONAL ADMINISTRATIVE REVIEW AND OBJECTION PROCESS FOR PROJECTS AUTHORIZED UNDER HEALTHY FORESTS RESTORATION ACT OF 2003

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–148

CFR Citation: 36 CFR 215; 36 CFR 218, subpart A

Legal Deadline: Other, Statutory, January 5, 2004, PL 108–148, sec 105. The Healthy Forest Restoration Act of 2003 (HFRA) required the Secretary of Agriculture to promulgate interim final regulations within 30 days after the enactment of the act.

Abstract: The Healthy Forests Restoration Act of 2003 (HFRA) required that the Secretary of Agriculture promulgate interim final regulations to establish a predecisional administrative process whereby persons can seek administrative review and file objections for hazardous fuel reduction projects authorized under the act on National Forest System lands. The predecisional administrative review and objection process, which is limited to environmental assessments or environmental impact statements prepared pursuant to the HFRA, provides eligibility for participation in this review and objection process to individuals and organizations who submit comments specific to the authorized project during scoping or the public comment period. Objectors

may file a written objection with the Reviewing Officer, who conducts the objection resolution process. Decisions by the Responsible Official on authorized projects occur after the Reviewing Officer has responded to all objections, and the Responsible Officer's decisions must be consistent with the Reviewing Officer's responses to the objections.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/04	69 FR 1529
Interim Final Rule Comment Period End	04/08/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC15

245. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER SALE CONTRACTS; MODIFICATION OF CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472a; 16 USC 618; 16 USC 620 to 620j

CFR Citation: 36 CFR 223.112

Legal Deadline: None

Abstract: The Forest Service is adopting a final rule at part 223, subpart B, of title 36, Code of Federal Regulations, section 223.112. This final rule authorizes timber sale contracting officers to modify contracts to provide a redetermination of stumpage rates and deposits to reflect significant timber market declines. This rule applies to existing timber sale contracts awarded after October 1, 1995, that have been suspended for more than 90 days, during the normal operating season because of administrative appeals or litigation, through no fault of the timber purchaser.

This final rule provides relief for purchasers in this situation by enabling them to obtain stumpage rate redeterminations to continue existing contracts after the suspension has been lifted to ensure the economic viability of the sale.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/04	69 FR 18813
Interim Final Rule Comment Period End	06/08/04	
Final Action	05/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC16

246. CLARIFICATION AS TO WHEN A NOTICE OF INTENT AND/OR A PLAN OF OPERATIONS IS NEEDED FOR LOCATABLE MINERAL OPERATIONS ON NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 21 to 54; 30 USC 612

CFR Citation: 36 CFR 228.4

Legal Deadline: None

Abstract: The Forest Service is adopting a final rule at 36 CFR 228.4 clarifying when a notice of intent and/or a plan of operations is needed for locatable mineral operations on National Forest System (NFS) lands.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/04	69 FR 41428
Interim Final Rule Comment Period End	09/07/04	
Final Action	05/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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Related RIN: Related to 0596–AB98

RIN: 0596–AC17

247. MAXIMUM TERM FOR OUTFITTER/GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVE, FOREST SERVICE HANDBOOK (FSH) 2709.11, CHAPTER 40)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 497

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a final agency directive to extend the term length for outfitter/guide special use authorizations from 5 to 10 years. This action is being taken to ensure quality long term public service by supporting a reasonable expectation of continuity for small businesses operating as outfitters and guides, and to maintain consistent policy between the Bureau of Land Management and the Forest Service. The Bureau of Land Management extended their special recreation permit term for outfitters from 5 to 10 years on February 6, 2004 (69 FR 5702). The Forest Service published a proposed directive in the Federal Register on August 13, 2004 (69 FR 50160).

Timetable:

Action	Date	FR Cite
Proposed Directive	08/13/04	69 FR 50160
Comment Period End	10/12/04	
Final Directive	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596–AC23

USDA—FS

Final Rule Stage

248. INTEGRATED RESOURCE CONTRACTS, FS–2400–13 AND FS–2400–13T (NOTICE OF FINAL CONTRACTS)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–7

CFR Citation: None

Legal Deadline: None

Abstract: Section 323 of Public Law 108-7, the Consolidated Appropriations Resolution (16 U.S.C. 2104 note) established special authorities for stewardship contracting not addressed in existing Forest Service timber sale contracts. In general, the new authorities provide for including service work in timber sale contracts and applying the value of timber or other forest products removed as an offset against the cost of services received. Integrated Resource Contracts FS-2400-13 and FS-2400-13T are being developed for use with stewardship end result contracting when the value of timber exceeds the cost of service work.

Except where they deviate to address the new authorities, the FS-2400-13 and FS-2400-13T contracts parallel recently revised timber sale contracts FS-2400-6 and FS-2400-6T, which became effective upon notice in the Federal Register on May 6, 2004 (69 FR 25367).

In order to fully implement the authorities under section 323 of Public Law 108-7, and because they are so similar to timber sale contracts FS-2400-6 and FS-2400-6T, the agency implemented interim use of the integrated resource contracts while public comments are being sought. Comments received will be considered in the development of the final contracts.

Timetable:

Action	Date	FR Cite
Notice of Interim Contracts	10/05/04	69 FR 59577
Comment Period End	11/04/04	
Notice of Final Contracts	08/00/05	

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: ORMS, D&R Branch Mail Stop 1134, 1400 Independence Avenue SW, Washington, DC 20250–0003
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RIN: 0596–AC26

Department of Agriculture (USDA)
Forest Service (FS)

Long-Term Actions

249. SPECIAL AREAS; ROADLESS AREA CONSERVATION; APPLICABILITY TO NATIONAL FOREST SYSTEM LANDS IN ALASKA

Priority: Other Significant

CFR Citation: 36 CFR 294

Timetable:

Action	Date	FR Cite
ANPRM	07/15/03	68 FR 41864
ANPRM Comment Period End	08/14/03	
ANPRM Comment Period Extended	08/18/03	68 FR 49395
ANPRM Comment Period End	09/02/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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Related RIN: Related to 0596–AC04, Previously reported as 0596–AB85

RIN: 0596–AC05

250. CLIMBING BOLTS IN WILDERNESS (PROPOSED INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)

Priority: Substantive, Nonsignificant

CFR Citation: None

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596–AC21

BILLING CODE 3410—11—S

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

Proposed Rule Stage

251. • VOLUNTARY LABELING PROGRAM FOR DESIGNATED BIOBASED PRODUCTS

Priority: Other Significant

Legal Authority: PL 107–171

CFR Citation: 7 CFR 2902

Legal Deadline: Final, Statutory, May 12, 2003.

Abstract: This rulemaking would define, establish, and implement a voluntary labeling program for a preferred procurement program for biobased products within the Federal government.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

USDA—AgSEC

Proposed Rule Stage

URL For More Information: www.biobased.oce.usda.gov

Agency Contact: Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Room 361, Reporters Building, Office of Energy Policy and New Uses, Washington, DC 20024
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RIN: 0503–AA28

252. ● DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT

Priority: Other Significant

Legal Authority: PL 107–171

CFR Citation: 7 CFR 2902

Legal Deadline: Final, Statutory, November 12, 2002.

Abstract: This rulemaking would establish guidelines for procuring agencies to purchase biobased products, and the procedure by which items (generic groupings of biobased products) are to be designated for preferred under this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.biobased.oce.usda.gov

Agency Contact: Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Room 361, Reporters Building, Office of Energy Policy and New Uses, Washington, DC 20024
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RIN: 0503–AA29

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

Final Rule Stage

253. 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	07/16/03	68 FR 41947
NPRM Comment Period End	08/15/03	
Final Action	05/00/05	

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)

Completed Actions

254. GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL REFERENCE

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 2902

Completed:

Reason	Date	FR Cite
Final Action	01/11/05	70 FR 1792

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0503–AA26

BILLING CODE 3410—90—S

Department of Agriculture (USDA) — Proposed Rule Stage

Rural Business—Cooperative Service (RBS)

255. 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	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business–Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250
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RIN: 0570–AA24

256. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—FINANCING COOPERATIVE STOCK

Priority: Other Significant

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

CFR Citation: 7 CFR 4279, subpart A; 7 CFR 4279, subpart B

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.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Debi Raygor, Loan Specialist, B&I Processing Branch, Department of Agriculture, Rural Business–Cooperative Service, Room 6849/STOP 3224, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250
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RIN: 0570–AA26

257. BUSINESS AND INDUSTRY LOAN PROGRAM—REWRITE OF PROGRAM REGULATIONS

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 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B

Legal Deadline: None

Abstract: The regulations are being completely rewritten to make changes that will ultimately reduce delinquencies, enhance program effectiveness, correct minor inconsistencies, and make the regulations more clear and easier to understand.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, Tribal

Federalism: Undetermined

Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business–Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250
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RIN: 0570–AA41

258. NATIONAL SECURITY EMERGENCY

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

Legal Authority: 7 USC 1963

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Rural Business-Cooperative Service (RBS) proposes to streamline procedures for loans and grants for existing business and industry direct and guarantee loan programs. This rulemaking will also establish emergency regulations for the community facilities program currently administered within the Rural Housing Service (RHS).

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250–1569
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RIN: 0570–AA48

USDA—RBS

Proposed Rule Stage

259. SECONDARY MARKET POOLING BY FISCAL TRANSFER AGENT

Priority: Other Significant

Legal Authority: 7 USC 1988, sec 388

CFR Citation: 7 CFR 4279

Legal Deadline: None

Abstract: This regulation provides for the development of pool certificates that are fully backed by the USDA guarantee to enhance the RBS business and industry secondary market fiscal transfer initiative and conform it more to the longstanding Small Business Administration secondary market program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250–1569
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RIN: 0570–AA53

260. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—IMPLEMENT THE DEBT COLLECTION IMPROVEMENT ACT (DCIA) OF 1996

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 4279, subpart B

Legal Deadline: None

Abstract: The Rural Business-Cooperative Service proposes to revise RD Instruction 4279-B to require personal and corporate guarantees for the term of the guaranteed loan; and to develop Agency approved personal and corporate guaranteed forms to identify that the financial assistance received is a Federal debt and subject to the Debit Collection Improvement Act of 1996.

Timetable:

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17616
NPRM Comment Period End	06/06/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: David W. Lewis, Branch Chief, B&I Servicing Branch, Department of Agriculture, Rural Business–Cooperative Service, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250
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RIN: 0570–AA54

261. • EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 1980; 7 CFR 4274; 7 CFR 4279

Legal Deadline: None

Abstract: The Agency proposes to amend RD Instructions 1980-E, 4274-D, and 4279-B to remove the prohibition on making financial assistance available to faith-based organizations. These regulations are to be further amended to provide guidance regarding the separation of inherently religious activities and those for which assistance is provided.

This guidance is the same in both justification and purpose to that provided in the final rule amendments to 7 CFR part 16, published in the Federal Register on July 9, 2004, Volume 69, pages 41375-41383.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Richard Bonnet, Senior Loan Specialist, Department of Agriculture, Rural Business–Cooperative Service, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250
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RIN: 0570–AA61

Department of Agriculture (USDA)

Rural Business—Cooperative Service (RBS)

Final Rule Stage

262. 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 improves the ease of use by the public and program beneficiaries. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 69937
NPRM Comment Period End	02/14/00	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kenya Nicholas, Loan Specialist, B&I Specialty Lenders Division, Department of Agriculture,

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RIN: 0570–AA19

263. 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 higher supportable loan level.

Timetable:

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9546
NPRM Comment Period End	04/29/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Robin Pulkkinen, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business–Cooperative Service, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250–3221
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RIN: 0570–AA34

264. RURAL BUSINESS INVESTMENT PROGRAM

Priority: Other Significant

Legal Authority: PL 107–171, sec 6029

CFR Citation: 7 CFR 4290

Legal Deadline: None

Abstract: This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act, which authorizes the Rural Business Investment Program. 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. By law, the program is required to be administered by another Federal agency that has considerable expertise in operating a similar program. The Rural Business-Cooperative Service has contracted with the Small Business Administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 32200
Interim Final Rule Comment Period End	07/08/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Foore, Program Advisor, Office of the Administrator, Department of Agriculture, Rural Business–Cooperative Service, STOP 3221, 1400 Independence Avenue SW, STOP 3201, Washington, DC 20250
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RIN: 0570–AA35

265. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPANDED 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 Farm Security and Rural Investment Act of 2002 adds other renewable energy systems as an eligible loan purpose. Section 6017 expands eligibility criteria for loans to cooperatives and loan guarantees in nonrural 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	11/09/04	69 FR 64829
Interim Final Rule Comment Period End	12/09/04	
Interim Final Rule Effective	12/09/04	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business–Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250
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RIN: 0570–AA39

266. INTERMEDIARY RELENDING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9812(a)

CFR Citation: 7 CFR 4274

Legal Deadline: None

Abstract: This regulatory action is to effectively clarify, simplify, and strengthen the existing regulations.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Lori Washington, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business–Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250
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RIN: 0570–AA42

267. FISCAL TRANSFER AGENT—SECONDARY MARKET SALES OF GUARANTEED LOANS

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

Legal Authority: 7 USC 1988; 7 USC 1989

CFR Citation: 7 CFR 4279–A; 7 CFR 4279–C

Legal Deadline: None

Abstract: Section 338(b)(2)(A) of the Consolidated Farm and Rural Development Act (CONACT) authorizes the Secretary, either directly or through a market maker, to issue pool certificates representing ownership of part or all of the guaranteed portion of any loan guaranteed by the Secretary for certain guaranteed programs.

The sale of Government guaranteed loan portions to investors in the secondary market increases earnings, liquidity, and the capital available to lenders. Lenders in the Small Business Administration (SBA) 7(a) loan program are selling loans by using an SBA-approved Fiscal Transfer Agent (FTA) that pools and markets loans on the secondary market. Rural Development seeks to use section 338(b)(2)(A) of the CONACT to provide the same service to lenders.

Timetable:

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46509
NPRM Comment Period End	10/06/03	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, Tribal

Federalism: Undetermined

Agency Contact: Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250–1569
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RIN: 0570–AA47

268. TANGIBLE NET EQUITY

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

Legal Authority: 7 USC 1932(a)

CFR Citation: 7 CFR 1980; 7 CFR 4279

Legal Deadline: None

Abstract: This rulemaking amends 7 CFR parts 4279 and 1980 by modifying the equity requirement considered in the underwriting of business and industry loans by guaranteed lenders and/or the Rural Business-Cooperative Service as follows:

— In the case of direct or guaranteed refinancing loans only, apply an adjusted equity requirement, where tangible net equity is modified by (i) including asset value to the extent of the difference between the depreciated book value of real property assets and current market value supported by an independent appraisal, or the original loan amount, whichever is less and (ii) family capital subordinated debt, where the subordinated debt is held by and represents a cash infusion to the business by the owner or close family member, and the repayment terms are such that repayment is not ahead of Agency direct and/or guaranteed loan exposure.

— Increase the equity requirement for energy loans to 40 percent for existing businesses (in existence for 3 years) and 50 percent for new businesses. Construction financing is not an eligible energy loan purpose; energy projects that produce biomass fuel, biogas, fuel cells, or batteries as an output must have completed two operating cycles at design performance levels acceptable to the Agency.

Timetable:

Action	Date	FR Cite
NPRM	01/16/04	69 FR 2521
NPRM Comment Period End	03/16/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0570–AA49

269. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS

Priority: Other Significant

Legal Authority: 7 USC 8106

CFR Citation: 4280

Legal Deadline: None

Abstract: Section 9006 of the Farm Security and Rural Investment Act of 2004 directs the implementation of a direct and guaranteed loan and grant program for renewable energy systems and energy efficiency improvements for farmers, ranchers, and rural small businesses. For fiscal year (FY) 2003, a Notice of Funds Availability (NOFA) was published on April 8 for the grant program. For FY 2004 a NOFA was published on May 5, 2004, for the grant program.

The final rule will establish regulations to implement the direct and guaranteed loan and grant program. These regulations will allow for the integration of all program authorities and permit full attention to all of the potential contingencies and issues.

Timetable:

Action	Date	FR Cite
NPRM	10/05/04	69 FR 59650
NPRM Comment Period End	11/04/04	
Second NPRM	11/15/04	69 FR 65554
Second NPRM Comment Period End	12/15/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 0570–AA50

Department of Agriculture (USDA) — Completed Actions
Rural Business—Cooperative Service (RBS)

270. RURAL BUSINESS ENTERPRISE GRANT PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1942; 7 CFR 4284

Completed:

Reason	Date	FR Cite
Withdrawn	03/15/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0570–AA28

271. RURAL BUSINESS ENTERPRISE GRANT PROGRAM—FARM BILL CHANGES

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1942

Completed:

Reason	Date	FR Cite
Withdrawn	03/15/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0570–AA36

BILLING CODE 3410—XY—S

Department of Agriculture (USDA) — Proposed Rule Stage
Rural Utilities Service (RUS)

272. 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 of 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572–AB40

273. 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	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0572–AB76

274. ● TELECOMMUNICATIONS SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 501 et seq; 7 USC 901 et seq

CFR Citation: 7 CFR 1753

Legal Deadline: None

Abstract: The revision includes empowering the telecommunications borrowers by reducing oversight by RUS with respect to subcontracts and bid approvals, increasing the defined limit for small scale construction projects, elimination of the yearly calendar limit of RUS Form 773 contacts, increasing the allowable time for reimbursement of small scale construction projects via the RUS Form 771, and increasing the upper limit on building construction where no post-loan architectural or engineering services are required.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
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USDA—RUS

Proposed Rule Stage

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RIN: 0572–AB98

275. • LIEN ACCOMMODATIONS AND SUBORDINATIONS FOR 100 PERCENT PRIVATE FINANCING

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1717–R

Legal Deadline: None

Abstract: RUS proposes to amend its regulations on lien accommodations and subordinations. The rule proposes to remove the procedures where case-by-case RUS approval of the issuance of additional secured debt is required and establish those procedures; eligible financing purposes, decision factors for granting lien accommodations, application content and timeframe, in an agency guide bulletin. This proposed rule will focus on lien accommodation policies and establish a more user-friendly regulation for lien accommodation and subordination for 100 percent private financing. RUS proposes this clarification of the rule and update to the existing lien accommodation and subordination regulations in its ongoing effort to maintain current program rules.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0572–AB99

Department of Agriculture (USDA)
Rural Utilities Service (RUS)

Final Rule Stage

276. SERVICING OF WATER PROGRAMS LOANS AND GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 1989; 16 USC 1005

CFR Citation: 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

Legal Deadline: None

Abstract: The Rural Utilities Service consolidates and amends the regulations utilized to service water and waste loan and grant programs. Unnecessary and burdensome requirements for water and waste loan and grant servicing under the program will be eliminated. The streamlining will allow RUS to provide better service to entities needing assistance in resolving financial and economic problems in their communities and in general improve the quality of life in rural areas.

Timetable:

Action	Date	FR Cite
NPRM	11/15/04	69 FR 65546
NPRM Comment Period End	01/14/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572–AB59

277. 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 will 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	05/10/04	69 FR 25848
NPRM Comment Period End	07/09/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250
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RIN: 0572–AB77

278. ELIMINATION OF SUBPART M: OPERATIONAL CONTROLS

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

Legal Authority: 7 USC 901 et seq, 1921 et seq, 6941 et seq

CFR Citation: 7 CFR 1717

Legal Deadline: None

Abstract: RUS will eliminate subpart M as it has achieved the goal of providing a bridge during the transition from old to new loan documents. Most borrowers eligible for new loan documents have already made the change and many of the remaining ''legacy'' borrowers do not plan to be active borrowers in the future.

Timetable:

Action	Date	FR Cite
NPRM	11/08/04	69 FR 64689
NPRM Comment Period End	01/07/05	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

USDA—RUS — Final Rule Stage

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0572–AB97

279. • HOUSEHOLD WATER WELL SYSTEM GRANT PROGRAM

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

Legal Authority: 7 USC 1926e

CFR Citation: 7 CFR 1776

Legal Deadline: None

Abstract: The Rural Utilities Service (RUS) is issuing regulations in order to establish the Household Water System Program as authorized by section 306E of the Consolidated Farm and Rural Development Act (CONTACT). This rule will establish a lending program for the construction, refurbishing, and servicing of individually owned household water well systems in rural areas that are or will be owned by the eligible individuals. In addition, the rule outlines the process by which applicants can apply and how RUS will administer the grant program.

Timetable:

Action	Date	FR Cite
NPRM	10/06/04	69 FR 59836
Direct Final Rule	10/06/04	69 FR 59764
NPRM Comment Period End	11/05/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
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Related RIN: Previously reported as 0572–AB93

RIN: 0572–AC00

280. • SEISMIC SAFETY

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

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq; 42 USC 7701 et seq; EO 12699; . . .

CFR Citation: 7 CFR 1792

Legal Deadline: None

Abstract: RUS is amending its regulations to update the seismic safety requirements for the Agency.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0572–AC01

Department of Agriculture (USDA) — Rural Utilities Service (RUS) — Long-Term Actions

281. EXEMPTION OF CERTAIN BORROWERS FROM CONTROLS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1717

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572–AB85

Department of Agriculture (USDA) — Rural Utilities Service (RUS) — Completed Actions

282. TECHNICAL ASSISTANCE GRANTS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1775

Completed:

Reason	Date	FR Cite
Final Action	12/08/04	69 FR 70877

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572–AB75

283. HIGH ENERGY COST RURAL COMMUNITY GRANTS (SECTION 610 REVIEW)

Priority: Other Significant

CFR Citation: 7 CFR 1709

Completed:

Reason	Date	FR Cite
Direct Final Rule	02/02/05	70 FR 5349
Comment Period End	03/04/05	
Confirmation	04/05/05	70 FR 17199

USDA—RUS — Completed Actions

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572–AB91

284. DEFINITION CLARIFICATION OF STATE NONMETROPOLITAN MEDIAN HOUSEHOLD INCOME (SNMHI)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1775; 7 CFR 1777; 7 CFR 1778; 7 CFR 1780; 7 CFR 1942; 7 CFR 3570; 7 CFR 4274; . . .

Completed:

Reason	Date	FR Cite
Final Action	11/15/04	69 FR 65517

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572–AB96

BILLING CODE 3410—15—S

Department of Agriculture (USDA) — Final Rule Stage
Natural Resources Conservation Service (NRCS)

285. CONSERVATION SECURITY PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 16 USC 3838

CFR Citation: 7 CFR 1470

Legal Deadline: None

Abstract: Under the Conservation Security Program (CSP) NRCS is authorized to provide financial and technical assistance to owners and operators of agricultural operations to promote conservation and improvement of the quality of soil, water, air, energy, plant and animal life, and other conservation purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/02/04	69 FR 193
NPRM Comment Period End	03/02/04	
Interim Final Rule	06/21/04	69 FR 34502
Interim Final Rule Comment Period End	09/20/04	
Interim Final Rule	03/25/05	70 FR 15201
Interim Final Rule Comment Period End	07/25/05	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0578–AA36

286. GRASSLAND RESERVE

Priority: Other Significant

Legal Authority: PL 107–171; 16 USC 3838

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Under Grassland Reserve Program (GRP) the Department enters into easement or rental agreements with owners of grazing land to protect and restore such lands. The Department will designate payment for cost share to restore the functions and values of grasslands.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/04	69 FR 29173
Interim Final Rule Comment Period End	07/20/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0578–AA38

Department of Agriculture (USDA) — Long-Term Actions
Natural Resources Conservation Service (NRCS)

287. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION

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

CFR Citation: 7 CFR 609

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Dwight Holman
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RIN: 0578–AA40

Department of Agriculture (USDA) — Completed Actions
Natural Resources Conservation Service (NRCS)

288. WETLAND CATEGORICAL MINIMAL EFFECTS EXEMPTIONS

Priority: Other Significant

CFR Citation: 7 CFR 12

Completed:

Reason	Date	FR Cite
Withdrawn	03/16/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Bruce Julian
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RIN: 0578–AA27

289. EMERGENCY WATERSHED PROTECTION PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 624

Completed:

Reason	Date	FR Cite
Final Action	04/04/05	70 FR 16921
Final Action Effective	05/04/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Victor Cole
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RIN: 0578–AA30

290. TECHNICAL SERVICE PROVIDER ASSISTANCE

Priority: Other Significant

CFR Citation: 7 CFR 652

Completed:

Reason	Date	FR Cite
Final Action	11/29/04	69 FR 69450

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0578–AA35

BILLING CODE 3410—16—S

Department of Agriculture (USDA) — Proposed Rule Stage
National Agricultural Statistical Service (NASS)

291. • DAIRY PRODUCT MANDATORY REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1637

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Would establish a program of mandatory dairy product information by requiring each manufacturer to report to USDA information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer. This rulemaking would comply with laws enacted in 2000 and 2002 that amended the Agricultural Marketing Act of 1946.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Kerestes, Chief, Livestock Branch, Department of Agriculture, National Agricultural Statistical Service, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0535–AA00

BILLING CODE 3410—20—S

Department of Agriculture (USDA) — Long-Term Actions
Office of Procurement and Property Management (OPPM)

292. • AGRICULTURE ACQUISITION REGULATION (AGAR): USE OF BIOBASED MATERIALS

Priority: Other Significant

Legal Authority: 5 USC 301; 7 USC 8102; 40 USC 486(c)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Department of Agriculture proposes to update AGAR subpart 423.7, Contracting for Environmentally Preferable Products and Services, to add policy and procedures implementing section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102). The proposed amendment will supplement Governmentwide policy on the procurement preference for biobased products by adding USDA specific procedures.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph J. Daragan, Procurement Analyst, Department of Agriculture, Office of Procurement and Property Management, Mail Stop 9303, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0599–AA12

Department of Agriculture (USDA)

Office of Procurement and Property Management (OPPM)

Completed Actions

293. AGRICULTURAL ACQUISITION REGULATION (AGAR): UPDATES AND TECHNICAL CHANGES (AGAR CASE 2004–01)

Priority: Info./Admin./Other

CFR Citation: 48 CFR 401 through 452

Completed:

Reason	Date	FR Cite
Direct Final Rule	01/03/05	70 FR 41
Direct Final Rule Effective	04/04/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0599–AA11

[FR Doc. 05–6961 Filed 05–13–05; 8:45 am]

BILLING CODE 3410–98–S