



Federal Register

**Monday,
June 28, 2004**

Part III

**Department of
Agriculture**

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

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

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2004

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: May 14, 2004.

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	Mango Promotion, Research, and Information Order (FV-01-707)	0581-AC05
3	Quality Systems Verification Program (LS-02-10)	0581-AC12
4	National Dairy Promotion and Research Program (DA-02-03)	0581-AC16
5	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003)	0581-AC25
6	Plant Variety Protection Services (ST-02-02)	0581-AC31
7	Voluntary Shell Egg Grading Regulation—Facilities and Equipment (PY-03-005)	0581-AC33
8	Tobacco Inspection: Flue-Cured and Burley Tobacco (TB-04-01)	0581-AC35

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
9	Livestock Mandatory Reporting Program—Lamb Amendment (LS-01-08)	0581-AB98
10	Exemption of Organic Producers From Research and Promotion/Marketing Order Assessment (PY-02-006 and FV-03-900-1)	0581-AC15
11	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04)	0581-AC26
12	Cotton Classification Services, User Fees for 2004 Crop (CN-03-007)	0581-AC34

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Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
13	Changes in Fees for Federal Grading and Certification of Livestock for Chicago Mercantile Exchange Futures Deliveries	0581-AB66
14	Removal of Cottonseed Chemist Licensing Program and Amendments to Regulations Pertaining to Commodity Testing Laboratories (ST-02-03)	0581-AC18
15	Good Guidance Practices for the National Organic Program (TM-03-03)	0581-AC30
16	Voluntary Federal Dairy Grading and Inspection Fees (DA-03-03)	0581-AC32

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
17	Retaining Permanent Lender Program (PLP) Status, Processing Loss Claims, Payment of Interest Accrued During Bankruptcy and Redemption Rights Periods for Guaranteed Loans	0560-AH07
18	Commodity Credit Corporation Procurement of Agricultural Commodities From HUBZone Small Businesses	0560-AH10

Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
19	Selection of FSA State and County Committees	0560-AG90

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	Tobacco Marketing Quota, Cards, Penalty Provisions, Recordkeeping and Reporting	0560-AG52
25	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements	0560-AG53
26	2002 Farm Bill Regulations—Assistance for Livestock Producers	0560-AG76
27	Revision of Indian Tribal Land Acquisition Program Loan Regulations	0560-AG87
28	Clarification of Informal Appeals Procedures	0560-AG88
29	Environmental Compliance and Related Concerns	0560-AH02
30	Revision of Flexible Sugar Marketing Allotment Regulations	0560-AH08
31	Debt Collection, Debt Settlement, and Assignment of Payments	0560-AH09
32	Remove Tobacco Warehouse Designation Requirements	0560-AH13
33	Tobacco Marketing Quotas and Price Support	0560-AH14
34	Ewe Lamb Incentive Payment Program	0560-AH15
35	Payment Limitation and Payment Eligibility; Trade Adjustment Assistance for Farmers	0560-AH16

Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
36	Amendments to the Debt Settlement Policies and Procedures To Conform to the Debt Collection Improvement Act of 1996	0560-AF22
37	Emergency Conservation Program	0560-AG26
38	Elimination of 30-Day Past-Due Period for Farm Loan Program Borrowers	0560-AG50

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Farm Service Agency—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
39	Servicing Minor Farm Loan Program Loans	0560-AG67
40	2002 Farm Bill Regulations—Conservation Reserve Program	0560-AG74
41	2002 Farm Bill Regulations—Loan Eligibility With Prior Debt Forgiveness	0560-AG81
42	2002 Farm Bill Regulations—Tree Assistance Program	0560-AG83
43	2003-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco	0560-AG92
44	Revisions to Direct Farm Loan Programs Appraisal Regulations	0560-AH01
45	Outside Storage of Extra Long Staple Loan Cotton	0560-AH03
46	Extra Long Staple Cotton Loan Adjustment for Strength	0560-AH12

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
47	Animal Welfare; Definition of Animal	0579-AB69

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
48	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs	0579-AB24
49	Karnal Bunt Compensation	0579-AB45
50	Trichinae Certification Program	0579-AB52
51	Methyl Bromide; Authorization as Official Quarantine Use	0579-AB54
52	Importation of Swine and Swine Products From the European Union	0579-AB79
53	Revision of Fruits and Vegetables Import Regulations	0579-AB80
54	Mexican Hass Avocado Import Program	0579-AB81
55	Requirements for Requests To Amend 7 CFR Part 319 Import Regulations	0579-AB83
56	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579-AB84

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
57	Animal Welfare; Inspection, Licensing, and Procurement of Animals (Section 610 Review)	0579-AA94
58	Importation of Unmanufactured Wood Articles From Mexico	0579-AB02
59	Bees and Related Articles (Section 610 Review)	0579-AB20
60	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
61	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579-AB35
62	Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity (Section 610 Review)	0579-AB42
63	Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins ...	0579-AB47
64	Importation of Solid Wood Packing Material; Adoption of International Standards	0579-AB48
65	Karnal Bunt; Revision of Regulations for Importing Wheat	0579-AB74
66	Pine Shoot Beetle Host Material From Canada	0579-AB76
67	Phytophthora Ramorum; Quarantine and Regulations	0579-AB82

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
68	Plant Pest Regulations; Update of Current Provisions (Section 610 Review)	0579-AA80

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

Sequence Number	Title	Regulation Identifier Number
69	Importation of Fuji Variety Apples From the Republic of Korea	0579-AA93
70	Pseudorabies in Swine; Payment of Indemnity	0579-AB10
71	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
72	Importation Prohibitions Because of Bovine Spongiform Encephalopathy	0579-AB26
73	Animals Destroyed Because of Tuberculosis; Payment of Indemnity	0579-AB29
74	Importation of Milk and Milk Products From FMD Countries	0579-AB38
75	Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species	0579-AB43
76	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program	0579-AB44
77	Cost-Sharing for Animal and Plant Health Emergency Programs	0579-AB50
78	Gypsy Moth; Interstate Movement of Regulated Articles (Section 610 Review)	0579-AB55
79	Bovine Spongiform Encephalopathy: Minimal Risk Regions and Importation of Commodities	0579-AB73
80	Importation of Clementines, Mandarins, and Tangerines From Chile	0579-AB77
81	Importation of Small Lots of Seed Without Phytosanitary Certificates	0579-AB78

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
82	Blood and Tissue Collection at Slaughtering and Rendering Establishments	0579-AB13
83	Plum Pox Compensation	0579-AB19
84	Veterinary Diagnostic User Fees—5-Year Plan for Fees (Completion of a Section 610 Review)	0579-AB22
85	Infectious Salmon Anemia; Payment of Indemnity	0579-AB37
86	Animal Welfare; Policy on Training and Handling of Potentially Dangerous Animals	0579-AB39
87	Animal Welfare; Transportation of Animals on International Carriers	0579-AB51
88	Procedures for Reestablishing a Region as Free of a Disease	0579-AB53
89	Importation of Orchids of the Genus Phalaenopsis From Taiwan in Growing Media	0579-AB75

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

Sequence Number	Title	Regulation Identifier Number
90	CSREES Agricultural Research Formula Programs—Administrative Provisions	0524-AA27
91	CSREES Non-Formula Grant Programs—Administrative Provisions	0524-AA28
92	Guidelines for Hatch Multistate Research Fund	0524-AA29

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

Sequence Number	Title	Regulation Identifier Number
93	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

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

Sequence Number	Title	Regulation Identifier Number
94	CSREES Agricultural Extension Formula Programs—Administrative Provisions	0524-AA26

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Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
95	Civil Rights Compliance Requirements—1901-E to 1940-D	0575-AA83
96	National Flood Insurance Regulations	0575-AC07
97	Servicing Community Programs Loans and Grants	0575-AC12
98	Self-Help Technical Assistance Grants	0575-AC20
99	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations	0575-AC27
100	3550 Regulation	0575-AC54
101	Planning and Performing Construction and Other Development	0575-AC55
102	Environmental Policies and Procedures	0575-AC56
103	Servicing of Community and Direct Business Programs Loans and Grants—Workout Agreements	0575-AC57

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
104	Multi-Family Housing (MFH) Reinvention	0575-AC13
105	Guaranteed Single-Family Housing	0575-AC18
106	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation	0575-AC28

Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
107	Operating Assistance for Migrant Farmworker Projects	0575-AC24
108	Technical Assistance To Encourage the Development of Domestic and Migrant Farm Labor Housing	0575-AC25
109	Fire and Rescue and Other Community Facility Projects	0575-AC53

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
110	General Administrative Regulations; Sanctions	0563-AB73
111	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions	0563-AB80
112	General Administrative Regulations; Actual Production History (APH)	0563-AB83
113	Common Crop Insurance Regulations; Peanut Crop Insurance Provisions	0563-AB93

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
114	General Administrative Regulations; Nonstandard Underwriting Classification System	0563-AB66
115	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions	0563-AB76
116	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums	0563-AB84
117	Common Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions	0563-AB90
118	Common Crop Insurance Regulations; Pecan Revenue Crop Insurance Provisions	0563-AB91
119	Common Crop Insurance Regulations; Apple Crop Insurance Provisions	0563-AB92
120	General Administrative Regulations, Basic Provisions	0563-AB94

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Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
121	General Administrative Regulations; Subpart D; Application for Crop Insurance	0563-AB00
122	General Administrative Regulations; Premium Reductions; Payments of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities	0563-AB70
123	General Administrative Regulations; Movement of Business Among Insurance Providers	0563-AB71
124	Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; Basic Provisions	0563-AB81
125	General Administrative Regulations; Subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years	0563-AB86
126	Common Crop Insurance Regulations	0563-AB87
127	General Administrative Regulations; Quality Assurance and Performance Measurement System for the Federal Crop Insurance Program	0563-AB88
128	Common Crop Insurance Regulations; Sunflower, Coarse Grains, Safflower, Dry Pea, Rice, and Dry Bean Crop Insurance Provisions	0563-AB89

Grain Inspection, Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
129	Process Verification Service and Associated Fees	0580-AA85

Grain Inspection, Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
130	Tolerances for Dividers	0580-AA57
131	Review Inspection Requirements	0580-AA58
132	Livestock Purchase or Sale: Prohibit Nonreporting of Price	0580-AA65
133	Prohibition on Disguising Grain Quality	0580-AA77
134	Fees for Official Inspection and Official Weighing Services	0580-AA80
135	Fees for Processed Commodity Analytical Services	0580-AA84

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
136	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program	0584-AB51
137	Food Stamp Program: Administrative Cost Reimbursement	0584-AC86
138	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits	0584-AD12
139	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers	0584-AD15
140	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards	0584-AD25
141	Senior Farmers' Market Nutrition Program (SFMNP)	0584-AD35
142	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions	0584-AD36
143	FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171	0584-AD37
144	National School Lunch Program (NSLP) Allowable Costs	0584-AD38
145	Child Nutrition Programs: National School Lunch Program: Serving Fruits and Vegetables as Afterschool Snacks	0584-AD40
146	WIC Farmers' Market Nutrition Program (FMNP): Funding Formula Rule	0584-AD41
147	Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions, Including Contracts With Food Service Management Companies	0584-AD45

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Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
148	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions	0584-AB10
149	Child and Adult Care Food Program: Improving Management and Program Integrity	0584-AC24
150	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems	0584-AC37
151	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs	0584-AC72
152	FSP: Civil Rights Data Collections	0584-AC75
153	Commodity Supplemental Food Program (CSFP): Plain Language, Program Accountability, and Program Flexibility	0584-AC84
154	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs	0584-AC95
155	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387	0584-AD13
156	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments	0584-AD16
157	Afterschool Snacks Under the Child and Adult Care Food Program	0584-AD27
158	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002	0584-AD28
159	FSP: High Performance Bonuses	0584-AD29
160	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002	0584-AD32
161	Data Collection Related to Institutions, Organizations, Sites, and Facilities	0584-AD43

Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
162	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity	0584-AC94
163	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002	0584-AD30
164	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
165	Food Stamp Program: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores	0584-AD18
166	Food Stamp Program: Simplification and State Flexibility	0584-AD22
167	Privacy Act: Revision of an Existing System of Records	0584-AD24
168	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions to WIC Food Packages	0584-AD39

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
169	Nutrition Labeling of Meat and Poultry Products (Section 610 Review)	0583-AC95

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
170	Performance Standards for Bacon	0583-AC49
171	Egg Products Inspection Regulations	0583-AC58
172	Labeling—Generic Approval and Regulation Consolidation	0583-AC59
173	Food Standards; General Principles and Food Standards Modernization	0583-AC72
174	Performance Criterion for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses	0583-AC73

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

Sequence Number	Title	Regulation Identifier Number
175	Petitions for Rulemaking	0583-AC81
176	Performance Standard for Chilling of Ready-To-Cook Poultry	0583-AC87
177	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States	0583-AC91
178	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
179	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry	0583-AD02
180	Retail Exemption	0583-AD04
181	Uniform Compliance Date for Food Labeling Regulations	0583-AD05
182	Food Security Plans	0583-AD06

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
183	Beef or Pork With Barbecue Sauce; Revision of Standards	0583-AC09
184	Performance Standards for the Production of Processed Meat and Poultry Products	0583-AC46
185	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products	0583-AC60
186	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
187	Classes of Poultry Updating Poultry Class Standards	0583-AC83
188	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle	0583-AC88
189	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems	0583-AD00
190	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle	0583-AD03

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
191	Agency Organization	0583-AC78

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
192	Program To Provide Technical Assistance To Promote U.S. Agricultural Exports to Emerging Markets (Emerging Markets Program)	0551-AA62
193	New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530	0551-AA65

Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
194	CCC Supplier Credit Guarantee Program	0551-AA30
195	Facility Guarantee Program	0551-AA35

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Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
196	Watershed Forestry Assistance Program	0596-AC18
197	Tribal Watershed Forestry Assistance Program	0596-AC19

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
198	Indian Allotments on National Forest System Lands	0596-AA52
199	Species Surplus to Domestic Manufacturing Needs	0596-AB27
200	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45
201	Law Enforcement Support Activities	0596-AB61
202	Noncompetitive Sale of Timber; Timber Substitution	0596-AB70
203	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596-AB75
204	Forest Service Trails Accessibility Guidelines	0596-AB92
205	Forest Service Outdoor Recreation Accessibility Guidelines	0596-AB93
206	Sawtooth National Recreation Area-Private Lands; Increasing Residential Outbuilding Size	0596-AC00
207	National Forest System Land Management Planning Directives (Proposed Directives, Forest Service Manual (FSM) 1920 and Forest Service Handbook (FSH) 1909.12)	0596-AC02
208	Special Areas; Roadless Area Conservation; Applicability to National Forest System Lands in Alaska	0596-AC05
209	State Petitions for Inventoried Roadless Area Management	0596-AC10
210	Travel Management, Designated Routes, and Areas for Motor Vehicle Use	0596-AC11
211	Grazing Permit Administration (Proposed Directives, Forest Service Handbook 2209.13, Chapters 10 and 20)	0596-AC12
212	National Forest System Appeals and Litigation (Proposed Directives, Forest Service Manual, Chapter 1570) (Rule-making Resulting From a Section 610 Review)	0596-AC13
213	Climbing Bolts In Wilderness (Proposed Interim Directive, Forest Service Manual, Chapter 2320)	0596-AC21
214	Predator Damage Management (Proposed Directive, Forest Service Manual, Chapter 2320)	0596-AC22
215	Maximum Term for Outfitter/Guide Special Use Authorizations (Proposed Directive, Forest Service Handbook (FSH) 2709.11, Chapter 40)	0596-AC23
216	Recreation Event Fees (Proposed Directive, Forest Service Manual, Chapter 2720)	0596-AC24
217	Outfitter and Guide Special Use Authorizations (Proposed Directives, Forest Service Handbook 2709.11, Chapters 30 and 40)	0596-AC25

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
218	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596-AB21
219	Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations	0596-AB36
220	National Environmental Policy Act Documentation Needed for Certain Special Uses Permit Actions (Final Interim Directive to FSH 1909.15, Chapter 30)	0596-AB73
221	Land Uses; Special Uses Requiring Authorizations	0596-AB74
222	Special Forest Products and Forest Botanical Products	0596-AB81
223	Determining Fair Market Value for Recreation Residence Use Authorizations	0596-AB83
224	National Forest System Land Management Planning	0596-AB86
225	Community and Private Land Forest Fire Assistance Program	0596-AB96
226	Delegation of Authority To Approve Free Use by Individuals	0596-AC09
227	Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003	0596-AC15
228	Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts	0596-AC16
229	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

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Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
230	Locatable Minerals	0596-AB98
231	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline for Site-Specific Projects	0596-AC01

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
232	Hydropower Applications	0596-AA47
233	Landownership Adjustments; Conveyance of Small Tracts	0596-AA79
234	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Timber From Other Lands	0596-AB48
235	Revisions to Road Management Policy (Forest Service Manual Chapter 7710)	0596-AB90
236	Land Uses; Prohibitions; Paleontological Resources	0596-AB91
237	Forest Land Enhancement Program	0596-AB95
238	Objection Process; Land Management Planning (Interim Directive, Forest Service Manual, Chapter 1920)	0596-AB97
239	Stewardship End Result Contracting (Interim Directive, Forest Service Handbook 2409.19, Chapter 60)	0596-AC03
240	Special Areas; Roadless Area Conservation; Applicability to the Tongass National Forest, Alaska	0596-AC04
241	Revision of Timber Sale Contracts (FS-2400-6 and FS-2400-6T)	0596-AC14

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
242	General Nonprocurement Regulations	0503-AA21
243	Guidelines for Designating Biobased Products for Federal Reference	0503-AA26
244	Participation of Religious Organizations in USDA Programs	0503-AA27

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
245	Affirmative Fair Housing Marketing Plan	0570-AA24
246	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock	0570-AA26
247	Rural Business Enterprise Grant Program	0570-AA28
248	Annual Renewal Fee	0570-AA34
249	Rural Business Investment Program	0570-AA35
250	Business and Industry Loan Program—Rewrite of Program Regulations	0570-AA41
251	National Security Emergency	0570-AA48
252	Renewable Energy Systems and Energy Efficiency Improvements	0570-AA50

Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
253	Rural Economic Development Loan and Grant Program	0570-AA19
254	Rural Business Enterprise Grant Program—Farm Bill Changes	0570-AA36
255	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria	0570-AA39
256	Intermediary Relending Program	0570-AA42
257	Fiscal Transfer Agent—Secondary Market Sales of Guaranteed Loans	0570-AA47

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Rural Business-Cooperative Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
258	Tangible Net Equity	0570-AA49

Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
259	Value-Added Producer Grants and Agriculture Innovation Centers	0570-AA40
260	Debt Collection Improvement Act—Treasury Offset and Cross Servicing	0570-AA52

Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
261	Telecommunications Standards and Specifications for Materials, Equipment, and Construction	0572-AB40
262	Servicing of Water Programs Loans and Grants	0572-AB59
263	Special Equipment Contract (Not Including Installation), RUS Form 398	0572-AB76
264	Accounting Requirements for RUS Telecommunications Borrowers	0572-AB77
265	Sale or Transfer of Capital Assets	0572-AB84
266	High Energy Cost Rural Community Grants (Section 610 Review)	0572-AB91
267	Broadband Grant Program	0572-AB94

Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
268	Technical Assistance Grants	0572-AB75
269	Guarantees for Bonds and Notes Issued for Electrification Purposes	0572-AB83
270	Exemption of Certain Borrowers From Controls	0572-AB85
271	Electric System Emergency Restoration Plan	0572-AB92
272	Household Water System Program	0572-AB93
273	Grant Program To Establish a Fund for Financing Water and Waste Water Projects (Revolving Fund Program (RFP))	0572-AB95

Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
274	Settlement of Debt	0572-AB61
275	Electric Program Standard Contract Forms	0572-AB67
276	Telecommunications Program Specification	0572-AB69
277	General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans	0572-AB72
278	Seismic Safety	0572-AB74
279	Launching Our Communities Access to Local Television Act of 2000	0572-AB82

Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
280	Wetland Categorical Minimal Effects Exemptions	0578-AA27

USDA

Natural Resources Conservation Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
281	Emergency Watershed Protection Program	0578-AA30
282	Technical Service Provider Assistance	0578-AA35
283	Conservation Security Program	0578-AA36
284	Grassland Reserve	0578-AA38
285	Confidentiality of Conservation Program Information	0578-AA40

Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
286	NRCS Equitable Relief Procedures	0578-AA39

Natural Resources Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
287	Highly Erodible Land and Wetland Conservation	0578-AA17

Office of Procurement and Property Management—Final Rule Stage

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

Office of Procurement and Property Management—Completed Actions

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

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

Prerule Stage

**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: 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 and to establish production and handling standards for operations that capture aquatic animals from the wild. AMS has defined “aquatic animal” as any finfish or shellfish used for human consumption, whether taken from regulated but free roaming marine and fresh water populations (wild captured) or propagated and raised in a controlled or selected environment (aquaculture). Production standards for

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

Timetable:

Action	Date	FR Cite
ANPRM	12/00/04	

USDA—AMS

Prerule Stage

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Richard H. Mathews, Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510–South, 14th &Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
Fax: 202 205–7808
Email: richard.mathews@usda.gov
RIN: 0581–AB97**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)****Proposed Rule Stage****2. MANGO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV–01–707)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 7411 through 7425**CFR Citation:** 7 CFR 1206**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/26/02	67 FR 54907
NPRM Comment Period End	10/25/02	
Second NPRM	12/00/04	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**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–AC05**3. QUALITY SYSTEMS VERIFICATION PROGRAM (LS–02–10)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621**CFR Citation:** 7 CFR 62**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** James L. Riva, Chief, Audit, Review, and Compliance Branch, Department of Agriculture, Agricultural Marketing Service, STOP 0252, Room 2627–South, USDA, AMS, LS, ARC Branch, 1400 Independence Avenue SW, Washington, DC 20250–2052
Phone: 202 720–1124
Fax: 202 690–3428
Email: james.riva@usda.gov**RIN:** 0581–AC12**4. NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM (DA–02–03)****Priority:** Other Significant**Legal Authority:** 7 USC 4501 et seq**CFR Citation:** 7 CFR 1150**Legal Deadline:** Final, Statutory, August 2002.

Abstract: The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) amended the Dairy Production and Stabilization Act of 1983 (the authorizing legislation for the National Dairy Promotion and Research Program) concerning implementation of mandatory 15-cent per hundred weight assessment on dairy products imported into the 48 contiguous States and other related amendments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** David Jamison, Chief, Promotion and Research Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0233, Dairy Programs, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720–6909
Fax: 202 720–0285
Email: david.jamison2@usda.gov**RIN:** 0581–AC16**5. 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,

USDA—AMS

Proposed Rule Stage

contain some outdated terms, references, and phrases that need updating to make them current and clear.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

6. PLANT VARIETY PROTECTION SERVICES (ST-02-02)

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

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	12/00/04	

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

7. VOLUNTARY SHELL EGG GRADING REGULATION—FACILITIES AND EQUIPMENT (PY-03-005)

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

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 56

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) reviewed the Voluntary Grading of Shell Egg regulations and identified changes necessary to bring the regulations up-to-date. The changes would update and clarify the voluntary shell egg grading regulations for facilities required for grading service, the operating requirements of plants utilizing the grading service, and the methods by which the grading service is provided.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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
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Fax: 202 690-3165
Email: rex.barnes@usda.gov

RIN: 0581-AC33

8. • TOBACCO INSPECTION: FLUE-CURED AND BURLEY TOBACCO (TB-04-01)

Priority: Other Significant

Legal Authority: 7 USC 511m and r; 7 USC 511q

CFR Citation: 7 CFR 29; 7 CFR 92

Legal Deadline: None

Abstract: This rule responds to a report recently issued by the U.S. General Accounting Office (GAO) titled Pesticides on Tobacco-Federal Activities to Assess Risks and Monitor Residues, recommending that the U.S. Department of Agriculture (USDA) review and update the pesticides for which residue tolerance levels are set to test imported and domestic flue-cured and burley tobacco. The Dairy and Tobacco Adjustment Act of 1983, as amended, prohibits the importation of flue-cured and burley tobacco which contains any prohibited pesticide residues, and establishes related certification and testing requirements. Pesticides continue to play an increasingly significant role in the production not only for tobacco, but also food and fiber commodities, and other crops by reducing the number of crop destroying pests. This rule would revise and expand the list of pesticides for which testing is conducted, and revise the maximum allowable of pesticide residues on tobacco. Implementing these changes will improve the effectiveness of the 1983 Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0581-AC35

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

Final Rule Stage

9. LIVESTOCK MANDATORY REPORTING PROGRAM—LAMB AMENDMENT (LS-01-08)

Priority: Other Significant

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 59

Legal Deadline: None

Abstract: This final rule amends the Livestock Mandatory Reporting regulations to modify the requirements for the submission of information on domestic and imported boxed lamb cuts sales. This rule amends the definition of "carlot-based" by inserting language to limit carlot-based sales of boxed lamb cuts to transactions between a buyer and a seller consisting of 1,000 pounds or more of one or more individual boxed lamb items. This rule also amends the definition of "importer" by reducing the volume level of annual lamb imports establishing a person as an importer from 5,000 metric tons of lamb meat products per year to 2,500 metric tons. This amendment will improve the accuracy of domestic boxed lamb cuts sales by ensuring that the bulk of data being reported is representative of the market, thus enabling producers to evaluate market conditions and make more informed marketing decisions. This amendment will also increase the volume of imported products that will be reported to AMS, which will permit AMS to publish reports on the sales of imported lamb cuts.

Timetable:

Action	Date	FR Cite
NPRM	10/27/03	68 FR 61141
NPRM Comment Period End	12/26/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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

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

RIN: 0581-AB98

10. EXEMPTION OF ORGANIC PRODUCERS FROM RESEARCH AND PROMOTION/MARKETING ORDER ASSESSMENT (PY-02-006 AND FV-03-900-1)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-171, sec 10607

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; ...

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

Abstract: Under the 2002 Farm Bill, section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act) was amended on May 13, 2002. The amendment exempts any person that produces and markets solely 100 percent organic products from paying assessments under a commodity promotion law. The FAIR Act governs all research and promotion programs and certain marketing order programs. Therefore, the Department of Agriculture is revising amendments to the 16 research and promotion regulations and 28 applicable marketing order programs for which it has oversight. These amendments will be handled in two separate regulatory actions that will be published simultaneously.

Timetable:

Action	Date	FR Cite
NPRM	04/26/04	69 FR 22690
NPRM	12/02/03	68 FR 67381
Final Action	09/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Angela C. Snyder, Agricultural Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, STOP 0256, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-4476
Fax: 202 720-5631

RIN: 0581-AC15

11. 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.

Unfunded Mandates: Undetermined

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) (Public Law 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	
Final Action	09/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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

Agency Contact: William Sessions, Associate Deputy Administrator,

USDA—AMS

Final Rule Stage

Department of Agriculture, Agricultural Marketing Service, Room 2092—South, Stop 0249, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-5705

Email: william.sessions@usda.gov

RIN: 0581-AC26

12. • COTTON CLASSIFICATION SERVICES, USER FEES FOR 2004 CROP (CN-03-007)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 473a

CFR Citation: 7 CFR 28

Legal Deadline: Final, Statutory, July 1, 2004.

Abstract: The Agricultural Marketing Service (AMS) is raising user fees for cotton producers for 2004 crop cotton classification services under the Cotton Statistics and Estimates Act. The 2003 user fee for this classification service was \$1.45 per bale. This rule will raise the fee for the 2004 crop to \$1.65 per bale. The fee increase is sufficient to cover the costs of providing classification services, including costs for administration and supervision.

Timetable:

Action	Date	FR Cite
NPRM	04/26/04	69 FR 22458
NPRM Comment Period End	05/11/04	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Norma Randall McDill, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Room 2641—South, Washington, DC 20250

Phone: 202 720-3193

Fax: 202 690-1718

Email: norma.mcdill@usda.gov

RIN: 0581-AC34

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

Completed Actions

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 53

Completed:

Reason	Date	FR Cite
Withdrawn	05/13/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John E. Van Dyke

Phone: 202 720-6231

Fax: 202 690-3732

Email: john.vandyke@usda.gov

RIN: 0581-AB66

Completed:

Reason	Date	FR Cite
Final Action	12/16/03	68 FR 69944

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: James V. Falk

Phone: 202 690-4089

Fax: 202 720-6496

Email: james.falk@usda.gov

RIN: 0581-AC18

15. GOOD GUIDANCE PRACTICES FOR THE NATIONAL ORGANIC PROGRAM (TM-03-03)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 205

Completed:

Reason	Date	FR Cite
Withdrawn	06/07/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard H. Mathews

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RIN: 0581-AC30

16. VOLUNTARY FEDERAL DAIRY GRADING AND INSPECTION FEES (DA-03-03)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 58; 7 CFR 54

Completed:

Reason	Date	FR Cite
NPRM	10/03/03	68 FR 57382
Final Action	02/26/04	69 FR 8797

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Duane R. Spomer

Phone: 202 720-7473

Fax: 202 720-2643

Email: duane.spomer@usda.gov

RIN: 0581-AC32

BILLING CODE 3410-02-S

14. REMOVAL OF COTTONSEED CHEMIST LICENSING PROGRAM AND AMENDMENTS TO REGULATIONS PERTAINING TO COMMODITY TESTING LABORATORIES (ST-02-03)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 91; 7 CFR 96

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

Proposed Rule Stage

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

Priority: Other Significant

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: The Agency is proposing to revise its regulations governing the servicing of guaranteed farm loans in three general areas. First, to establish a grace period for PLP lenders to develop and implement a plan to reduce loss rate to an acceptable rate for retaining PLP status; second, to expedite loss claim processing; and third, to extend the time period for which the Agency will pay interest on a loan in certain bankruptcy cases or when foreclosure redemption rights apply.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 11 Agriculture, Forestry, Fishing, and Hunting; 52211 Commercial Banking; 115116 Farm Management Services

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
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom.witzig@usda.gov

RIN: 0560-AH07

18. • COMMODITY CREDIT CORPORATION PROCUREMENT OF AGRICULTURAL COMMODITIES FROM HUBZONE SMALL BUSINESSES

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

Legal Authority: PL 85-536; 15 USC 14a

CFR Citation: 7 CFR 1402

Legal Deadline: None

Abstract: This rule will amend CCC's procurement regulations to incorporate statutory requirements regarding USDA procurement of commodities from certified HUBZone (Historically Underutilized Business Zone) small businesses. Under the HUBZone Program, a contract can be awarded to a HUBZone small business if the HUBZone small business offer is not more than 10 percent higher than the offer of a non-HUBZone/non-small business. 15 U.S.C. 632(p)(5)(A)(i)(III)(cc) provides that "in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract

for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government." The rule will clarify that bagging, cleaning, sorting, dividing, and subdividing of whole corn, wheat, sorghum, soybeans, peas, beans, and lentils does not substantially change the final form of the agricultural commodity and that a HUBZone business that does only these things (after subcontracting for the commodity) is not entitled to the price evaluation preference.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Sectors Affected: 49313 Farm Product Warehousing and Storage Facilities; 42291 Farm Supplies Wholesalers; 115114 Postharvest Crop Activities (except Cotton Ginning); 311222 Soybean Processing; 115 Support Activities for Agriculture and Forestry

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-AH10

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

Final Rule Stage

19. 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
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

USDA—FSA

Final Rule Stage

Sectors Affected: 11 Agriculture, Forestry, Fishing, and Hunting
Agency Contact: Tom Witzig, Director, Regulatory Review Group, Department

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 Email: tom.witzig@usda.gov
RIN: 0560-AG90

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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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

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RIN: 0560-AF60

22. INTEREST ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 762

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Priority: Other Significant

CFR Citation: 7 CFR 723

Timetable:

Action	Date	FR Cite
NPRM	01/13/03	68 FR 1556

Action	Date	FR Cite
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NPRM Comment Period End

02/12/03

Final Action

To Be Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560-AG52

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 762

Timetable:

Action	Date	FR Cite
NPRM	08/19/03	68 FR 49723
NPRM Comment Period End	10/20/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0560-AG53

26. 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	

USDA—FSA

Long-Term Actions

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

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RIN: 0560-AG76**27. REVISION OF INDIAN TRIBAL LAND ACQUISITION PROGRAM LOAN REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 770**Timetable:**

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12309
NPRM Comment Period End	05/14/03	
Final Action	To Be Determined	

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

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RIN: 0560-AG87**28. 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**Agency Contact:** Phillip Elder

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RIN: 0560-AG88**29. 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**30. • REVISION OF FLEXIBLE SUGAR MARKETING ALLOTMENT REGULATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1359aa**CFR Citation:** 7 CFR 1435**Legal Deadline:** None

Abstract: This action amends the sugar marketing allotment regulations to clarify the actions a processor must undertake to ensure "that the allocation will be shared among producers served by the processor in a fair and equitable manner that adequately reflects producer's production histories," as required by statute.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

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

Sectors Affected: 11 Agriculture, Forestry, Fishing, and Hunting; 311313 Beet Sugar Manufacturing; 311312 Cane Sugar Refining; 111991 Sugar Beet Farming; 31131 Sugar Manufacturing; 3113 Sugar and Confectionery Product Manufacturing; 11193 Sugarcane Farming; 311311 Sugarcane Mills

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RIN: 0560-AH08**31. • DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1989; 31 USC 3701; 7 USC 1932**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404**Legal Deadline:** None

Abstract: The Farm Service Agency (FSA) and the Commodity Credit Corporation (CCC) are revising debt collection and settlement regulations to conform with the Debt Collection Improvement Act of 1996 (DCIA), the Federal Claims Collection Standards (FCCS), and to make other changes. A detailed explanation of the proposed changes is included in the draft rule attached to this document. This work plan replaces work plan 197-002 (RIN 0560-AF22). FSA is requesting a "not significant" designation because the new regulations will not have a significant impact on small entities and do not present novel issues. Also, the Department of Treasury rule implementing DCIA and the FCCS, the Department of the Treasury's rule on administrative wage garnishment, and the USDA debt management regulations at 7 CFR part 3 were each designated as "not significant" by the Office of Management and Budget. The FSA and CCC regulations will govern similar activities on only the agency level. See the attached documents for further information.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** 11 Agriculture, Forestry, Fishing, and Hunting

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USDA—FSA

Long-Term Actions

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Related RIN: Previously reported as 0560-AF22

RIN: 0560-AH09

32. • REMOVE TOBACCO WAREHOUSE DESIGNATION REQUIREMENTS

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

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The Farm Service Agency is amending its tobacco regulations to no longer require as a condition of price support eligibility that producers of Burley and Flue-Cured tobacco designate the warehouse where they will market their tobacco.

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-AH13

33. • TOBACCO MARKETING QUOTAS AND PRICE SUPPORT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1301 et seq; 7 USC 1421 et seq

CFR Citation: 7 CFR 723; 7 CFR 1464

Legal Deadline: None

Abstract: This rule removes from the Code of Federal Regulations (CFR) the annual determinations made for the national marketing quotas and price support levels for all kinds of tobacco. Legislation requires the Secretary of Agriculture to announce the quotas and price support levels each year, but does not require that they be codified in the

CFR. Because the determinations require the use of the latest tobacco market information, it has been impractical to promulgate rulemaking in time for it to be useful to the public, so the Agency decided rulemaking that simply codifies the already-announced determinations is an unnecessary use of resources. All existing provisions concerning program requirements and the methodology for determining quotas and price support levels are left unchanged.

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-AH14

34. • EWE LAMB INCENTIVE PAYMENT PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 612c, sec 32 of the Act of August 24, 1935

CFR Citation: 7 CFR 784

Legal Deadline: None

Abstract: This action will make \$18.85 million available under Section 32 of the Act of August 24, 1935, as amended, for payment to sheep and lamb producers to encourage the replacement and retention of ewe lamb breeding stock during FY 2004.

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-AH15

35. • PAYMENT LIMITATION AND PAYMENT ELIGIBILITY; TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Priority: Other Significant

Legal Authority: 19 USC 2251 et seq, Trade Act of 1974 as amended by the Trade Act of 2002 (PL 107-210)

CFR Citation: 7 CFR 1400

Legal Deadline: None

Abstract: The purpose of this action is to add to the CCC program regulations the payment eligibility and payment limitation provisions of the Trade Adjustment Assistance (TAA) for Farmers. The final rule for the TAA, 7 CFR part 1580, was published August 20, 2003 (68 FR 50048), by the Foreign Agricultural Service (FAS). The rule referenced the regulations at 7 CFR part 1400 as the authority for the payment and adjusted gross income limitations applicable to the benefits issued under the TAA. This action adds the TAA as one of the programs subject to FSA's overall program payment and eligibility limitations and will not alter or revise any of the existing provisions of 7 CFR part 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

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

Completed Actions

36. AMENDMENTS TO THE DEBT SETTLEMENT POLICIES AND PROCEDURES TO CONFORM TO THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

Priority: Other Significant

CFR Citation: 7 CFR 792; 7 CFR 1403; 7 CFR 1404

Completed:

Reason	Date	FR Cite
Withdrawn (Replaced by 0560-AH09)	01/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560-AF22

37. EMERGENCY CONSERVATION PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 701

Completed:

Reason	Date	FR Cite
Final Action	03/04/04	69 FR 10300
Correction	04/26/04	69 FR 22377

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0560-AG26

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1951

Completed:

Reason	Date	FR Cite
Final Action	02/02/04	69 FR 5264

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560-AG50

39. SERVICING MINOR FARM LOAN PROGRAM LOANS

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Final Action	12/16/03	68 FR 69948

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560-AG67

40. 2002 FARM BILL REGULATIONS—CONSERVATION RESERVE PROGRAM

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

CFR Citation: 7 CFR 701; 7 CFR 1410

Completed:

Reason	Date	FR Cite
Final Action	05/14/04	69 FR 26755

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0560-AG74

41. 2002 FARM BILL REGULATIONS—LOAN ELIGIBILITY WITH PRIOR DEBT FORGIVENESS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1941

Completed:

Reason	Date	FR Cite
Final Action	02/04/04	69 FR 5259

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560-AG81

42. 2002 FARM BILL REGULATIONS—TREE ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 783

Completed:

Reason	Date	FR Cite
Final Action	03/02/04	69 FR 9744

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0560-AG83

43. 2003-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO

Priority: Other Significant

CFR Citation: 7 CFR 1464

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig
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RIN: 0560-AG92

44. REVISIONS TO DIRECT FARM LOAN PROGRAMS APPRAISAL REGULATIONS

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

CFR Citation: 7 CFR 1910; 7 CFR 1941; 7 CFR 1965

USDA—FSA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	06/02/04	69 FR 30997

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Phillip Elder

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RIN: 0560-AH01

45. OUTSIDE STORAGE OF EXTRA LONG STAPLE LOAN COTTON**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1427**Completed:**

Reason	Date	FR Cite
Final Action	03/05/04	69 FR 12053

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Phillip Elder

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RIN: 0560-AH03

46. EXTRA LONG STAPLE COTTON LOAN ADJUSTMENT FOR STRENGTH**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** 7 CFR 1427**Legal Deadline:** None

Abstract: The Farm Service Agency (FSA) proposes amending regulations to provide that extra long staple (ELS) loan rates may be adjusted for premiums and discounts for strength. The need for this regulatory change arises from the availability of a new ELS hybrid variety that is high-

yielding, but that has an elevated incidence of low-strength.

Timetable:

Action	Date	FR Cite
Merged With 0560-AH03	02/01/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Sectors Affected:** 11192 Cotton Farming

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RIN: 0560-AH12

BILLING CODE 3410-05-S

Department of Agriculture (USDA)

Prerule Stage

Animal and Plant Health Inspection Service (APHIS)

47. ANIMAL WELFARE; DEFINITION OF ANIMAL**Priority:** Other Significant**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 1**Legal Deadline:** None

Abstract: We are amending the Animal Welfare Act (AWA) regulations to reflect an amendment to the Act's definition of the term animal. The Farm Security and Rural Investment Act of 2002 amended the definition of animal to specifically exclude birds, rats of the genus *Rattus*, and mice of the genus *Mus* bred for use in research. While the definition of animal in the regulations excludes rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, that definition also excludes all birds (i.e., not just those bred for use in research). To make the

definition of animal in the regulations consistent with the definition of animal in the AWA, this final rule amends the regulations by narrowing the scope of exclusion for birds to only those birds bred for use in research. This final rule is intended only to make the definition of animal in the regulations consistent with the definition of animal in the AWA. We do not intend to immediately begin regulating birds not bred for use in research as a result of this action.

Timetable:

Action	Date	FR Cite
Final Rule	06/04/04	69 FR 31513
Final Rule Effective	06/05/04	
ANPRM	06/04/04	69 FR 31537
ANPRM Comment Period End	08/03/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

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

Agency Contact: Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 84, 4700 River Road, Riverdale, MD 20737

Phone: 301 734-7586

RIN: 0579-AB69

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

Proposed Rule Stage

48. 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	12/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

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

Phone: 301 734-7833

RIN: 0579-AB24

49. KARNAL BUNT COMPENSATION

Priority: Other Significant

Legal Authority: 7 USC 166; 7 USC 7711 to 7712; 7 USC 7714; 7 USC 7731; 7 USC 7735; 7 USC 7751 to 7754

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	09/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Agency Contact: Robert G. Spaide, Senior Program Manager, Surveillance and Emergency Programs Planning and Coordination, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1236
Phone: 301 734-3769

Related RIN: Related to 0579-AA83

RIN: 0579-AB45

50. TRICHINAE CERTIFICATION PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 8301 to 8317; 7 USC 1622; 15 USC 1828

CFR Citation: 9 CFR 149; 9 CFR 160 to 161

Legal Deadline: None

Abstract: APHIS is considering establishing a voluntary Trichinae Certification Program for U.S. pork that has been produced under disease-prevention conditions. Under the program, APHIS would certify pork production sites that follow prescribed good production practices that reduce, eliminate, or avoid the risk of exposure of animals to the zoonotic parasite *Trichinella spiralis*, a disease of swine. Such a program should enhance the marketing of pork and pork products both in the United States and in export markets.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	11/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

Agency Contact: Dr. Dave Pyburn, National Trichinae Coordinator, PCMS, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 891, 210 Walnut Street, Room 891, Des Moines, IA 50309
Phone: 515 284-4122

RIN: 0579-AB52

51. METHYL BROMIDE; AUTHORIZATION AS OFFICIAL QUARANTINE USE

Priority: Other Significant

Legal Authority: 7 USC 7719

CFR Citation: 7 CFR 304

USDA—APHIS

Proposed Rule Stage

Legal Deadline: None

Abstract: This rule would establish regulations to provide for the submission of requests by State, local, or tribal authorities for a determination whether of methyl bromide treatments or applications required by the State, local, or tribal authorities to prevent the introduction, establishment, or spread of plant pests (including diseases) or noxious weeds should be authorized as official quarantine uses. The regulations are necessary to comply with a recent amendment to the Plant Protection Act that requires the Secretary to publish and maintain a registry of authorized State, local, and tribal requirements for methyl bromide treatments or applications. The rule would establish a process by which State, local, or tribal authorities could request and, if warranted, receive, authorization for their methyl bromide requirements as official quarantine uses.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

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

Agency Contact: Elna Hunter, Senior Regulatory Coordinator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Suite C Unit 118, Unit 141, 4700 River Road, Riverdale, MD 20737
Phone: 301 734-5289

RIN: 0579-AB54

52. • 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 proposed rule would (1) apply a uniform set of importation requirements related to classical swine fever (CSF) in all of the original 15 Member States of the European Union, with the exception of one area in Italy; (2) establish a classification for regions that present a low risk of introducing CSF into the United States and recognize all of the original 15 Member States of the European Union, except for one area in Italy, as a low-risk region for CSF; and (3) prohibit for a specified period of time the importation of live swine and swine products from any area in a low-risk region for CSF that is identified by the veterinary authorities of the region as a restricted zone.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

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

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

RIN: 0579-AB79

53. • REVISION OF FRUITS AND VEGETABLES IMPORT REGULATIONS

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: A proposed rule that 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 proposal 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. This proposal, if adopted, 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	10/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

Agency Contact: Mr. Matthew Rhoads, Regulatory Analyst, Regulatory Analysis and Development, PPD,

USDA—APHIS

Proposed Rule Stage

Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 118, Riverdale, MD 20737-1238
 Phone: 301 734-8682

RIN: 0579-AB80

54. • MEXICAN HASS AVOCADO IMPORT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 to 136a; Section 301.75 also issued under Sec. 203, Title II, PL 106-224, 114 Stat. 400 (7 USC 1421 note).

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: This proposed rule would amend the regulations governing the importation of fruits and vegetables to expand the number of States in which fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico, may be distributed. The proposed rule would also allow the distribution of the avocados during all months of the year. To reflect these proposed changes, we would also make other changes in the regulations, such as removing restrictions on the ports through which the avocados may enter the United States and the corridor through which the avocados must transit the United States. We are proposing this action in response to a request from the Government of Mexico and based on our finding that the phytosanitary measures described in this proposed rule will reduce the risk of introducing plant pests associated with Mexican Hass avocados into the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/24/04	69 FR 29466
NPRM Comment Period End	07/23/04	

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, including the names of organizations and individuals who have commented on APHIS dockets, are available on the

Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

Agency Contact: Dr. Inder Paul Gadh, Import Specialist, Phytosanitary Issues Management Team, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236
 Phone: 301 734-6799

RIN: 0579-AB81

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

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: A proposed rule to establish regulations governing the submission of requests for changes in our regulations that restrict the importation of plants, plant parts, and plant products. We are proposing this action because, despite existing non-regulatory guidance on the submission of requests, few applicants provide the basic information we require to properly consider their requests. We expect that adoption of this proposal would help ensure that we are provided with the information we need to prepare a risk analysis and/or other analyses that evaluate the risks and other effects associated with the proposed change to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: Dr. Ronald Sequeira, National Science Program Leader for Risk and Pathway Analysis, CPHST, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 1015 Main Campus Drive, Suite 2500, Raleigh, NC 27602-5202

Phone: 919 513-2663

RIN: 0579-AB83

56. • 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, concentrations 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	08/00/04	

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

Agency Contact: Dr. Diane Sutton, Senior Staff Veterinarian, National

USDA—APHIS

Proposed Rule Stage

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

Department of Agriculture (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

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

Priority: Other Significant

Legal Authority: 7 USC 2131 to 2159

CFR Citation: 9 CFR 1 to 2

Legal Deadline: None

Abstract: This action would make several amendments to the Animal Welfare Act regulations to clarify them and improve their enforceability. In addition, it would amend a number of administrative procedures to make them more efficient. We believe these actions are necessary to help ensure compliance with the regulations and the Animal Welfare Act.

Timetable:

Action	Date	FR Cite
NPRM	08/04/00	65 FR 47908
NPRM Comment Period End	10/03/00	
NPRM Comment Period Reopened and Extended	10/19/00	65 FR 62650
NPRM Comment Period End	11/20/00	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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

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

RIN: 0579-AA94

58. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES FROM MEXICO

Priority: Other Significant

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

CFR Citation: 7 CFR 319

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/11/99	64 FR 31512
NPRM Comment Period End	08/10/99	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: Hesham A. Abuelnaga, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737
Phone: 301 724-6799

RIN: 0579-AB02

59. BEES AND RELATED ARTICLES (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 7 CFR 319; 7 CFR 322

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	08/19/02	67 FR 53844
NPRM Comment Period End	11/18/02	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: APHIS documents published in the Federal

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Final Rule Stage

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

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

Phone: 301 734-8757

RIN: 0579-AB20

60. 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	03/00/05	

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, including the names of organizations and individuals who have commented on APHIS dockets, are available on the

Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

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

RIN: 0579-AB34

61. 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	11/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State

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

Agency Contact: Dr. 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

62. BRUCELLOSIS IN SHEEP, GOATS, AND HORSES; PAYMENT OF INDEMNITY (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 7 USC 8301 to 8316

CFR Citation: 9 CFR 51

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/13/01	66 FR 47593
NPRM Comment Period End	11/13/01	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Agency Contact: Dr. Debra A. Donch, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737-1231
Phone: 301 734-6954

RIN: 0579-AB42

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

Priority: Other Significant

Legal Authority: 7 USC 8401

CFR Citation: 7 CFR 331; 9 CFR 121

Legal Deadline: None

USDA—APHIS

Final Rule Stage

Abstract: In accordance with the Agricultural Bioterrorism Protection Act of 2002, APHIS has established, by regulation, a list of biological agents and toxins determined to have the potential to pose a severe threat to animal or plant health or to animal or plant products, as well as regulations concerning the possession, use, and transfer of listed biological agents and toxins.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/02	67 FR 52383
Interim Final Rule Effective	08/12/02	
Interim Final Rule Comment Period End	10/11/02	
Second Interim Final Rule	12/13/02	67 FR 76908
Second Interim Final Rule Comment Period End	02/11/03	
Second Interim Final Rule Effective	02/11/03	
Third Interim Final Rule; Provisional Registration	11/03/03	68 FR 62218
Third Interim Final Rule Effective	11/03/03	
Third Interim Final Rule Comment Period End	01/02/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State

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

Agency Contact: Dr. Lee Ann Thomas, Director, Select Agent, Organisms and Vectors, and Animals, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231
Phone: 301 734-3261

Michael J. Firko, Assistant Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and

Plant Health Inspection Service, Unit 137, Riverdale, MD 20737
Phone: 301 734-8758

RIN: 0579-AB47

64. IMPORTATION OF SOLID WOOD PACKING MATERIAL; ADOPTION OF INTERNATIONAL STANDARDS

Priority: Other Significant

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

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: This rule would amend the regulations for the importation of unmanufactured wood articles to adopt an international standard entitled "Guidelines for Regulating Wood Packaging Material in International Trade" that was approved by the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention on March 15, 2002. The standard calls for wood packaging material to be either heat treated or fumigated with methyl bromide, in accordance with the Guidelines, and marked with an approved international mark certifying treatment. The rule would adopt the IPPC Guidelines because recent analyses of pest interceptions at ports show an increase in pests associated with certain wood packaging material. This increase in pests was found in wood packaging material that does not meet the IPPC Guidelines' (e.g., wood packaging material from everywhere except China, which must already be treated due to past pest interceptions). There has been a decrease in pests associated with wood packaging material from China, however, since we began requiring that material be treated prior to importation. This change would affect all persons using wood packaging material in connection with importing goods into the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/20/03	68 FR 27480
NPRM Comment Period End	07/21/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

Agency Contact: Hesham A. Abuelnaga, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737
Phone: 301 724-6799

RIN: 0579-AB48

65. • KARNAL BUNT; REVISION OF REGULATIONS FOR IMPORTING WHEAT

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 our regulations regarding the importation of wheat from regions affected with Karnal bunt. Our proposed amendments would, among other things, list such regions, as well as articles that would be regulated for Karnal bunt; increase the flexibility of the regulations so that they could provide more readily for the recognition of areas where Karnal bunt is not known to occur within regions where Karnal bunt is known to be present; describe conditions, including requirements for phytosanitary certificates, under which wheat and related articles from regions affected with Karnal bunt could be imported into the United States; and specify cleaning and/or disinfection requirements for imported farm machinery and other equipment used to handle or store Karnal bunt-positive seed or host crops. The proposed changes would make our regulations regarding the importation of wheat and related articles from regions affected with Karnal bunt substantively equivalent to our domestic Karnal bunt regulations and would bring the former into compliance with international agreements to which the United States is a party.

USDA—APHIS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/03/04	69 FR 9976
NPRM Comment Period End	05/03/04	
Final Action	10/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Agency Contact: Jeanne Van Dersal, Import Specialist, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737-1236 Phone: 301 734-8537

RIN: 0579-AB74

66. • 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	08/00/04	

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

Agency Contact: 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

67. • PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: An interim rule amending the Phytophthora ramorum regulations to

establish restrictions on the interstate movement of nursery stock that has been identified as a host of *P. ramorum*, as well as certain associated articles (nursery stock of unconfirmed, but potential host species), from commercial nurseries in nonquarantined counties in California. This rulemaking will also amend the regulations to restrict the interstate movement of associated articles from commercial nurseries in quarantined counties in California, and to update the list of hosts of *P. ramorum* and the list of counties in California that are quarantined for *P. ramorum*.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	
Interim Final Rule Comment Period End	09/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

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

Agency Contact: Mr. 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

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

68. 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

Action	Date	FR Cite
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

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

Priority: Other Significant

CFR Citation: 7 CFR 319.56-2cc

USDA—APHIS

Long-Term Actions

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: 301 734-1236**RIN:** 0579-AA93**70. PSEUDORABIES IN SWINE;
PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 52**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/99	64 FR 2545
Interim Final Rule Comment Period End	04/16/99	
Interim Final Rule	04/18/00	65 FR 20706
Interim Final Rule Comment Period End	06/19/00	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis
Required: No****Government Levels Affected:** None**Agency Contact:** Adam G. Grow
Phone: 301 734-3752**RIN:** 0579-AB10**71. 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: 301 734-1236**RIN:** 0579-AB18**72. IMPORTATION PROHIBITIONS
BECAUSE OF BOVINE SPONGIFORM
ENCEPHALOPATHY****Priority:** Other Significant**CFR Citation:** 9 CFR 94.18; 9 CFR 95.1;
9 CFR 95.4; 9 CFR 95.29 (New)**Timetable:**

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

**Regulatory Flexibility Analysis
Required: No****Government Levels Affected:** None**Agency Contact:** Donna L. Malloy
Phone: 301 734-3277**RIN:** 0579-AB26**73. ANIMALS DESTROYED BECAUSE
OF TUBERCULOSIS; PAYMENT OF
INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 50**Timetable:**

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

**Regulatory Flexibility Analysis
Required: No****Government Levels Affected:** None**Agency Contact:** Terry Beals
Phone: 301 734-5467**RIN:** 0579-AB29**74. 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

Action	Date	FR Cite
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**75. 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**76. AMEND REGULATIONS TO
HARMONIZE OUR IMPORT
REQUIREMENTS WITH PROPOSED
NATIONAL TUBERCULOSIS
ERADICATION PROGRAM****Priority:** Other Significant**CFR Citation:** 9 CFR 93**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis
Required: Undetermined****Government Levels Affected:**
Undetermined**Agency Contact:** S. Anne Goodman
Phone: 301 734-4929**RIN:** 0579-AB44

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Long-Term Actions

77. 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:** Kevin Shea
Phone: 202 720-8015**RIN:** 0579-AB50**78. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 301; 7 CFR 319**Timetable:**

Action	Date	FR Cite
NPRM	05/23/03	68 FR 28157
NPRM Comment Period End	07/22/03	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Weyman Fussell
Phone: 301 734-5705**RIN:** 0579-AB55**79. BOVINE SPONGIFORM ENCEPHALOPATHY: MINIMAL RISK REGIONS AND IMPORTATION OF COMMODITIES****Priority:** Other Significant**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	To Be	Determined

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**80. • IMPORTATION OF CLEMENTINES, MANDARINS, AND TANGERINES FROM CHILE****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 fruits and vegetables regulations to allow the importation, under certain conditions, of clementines, mandarins, and tangerines from Chile into the United States. Based on the evidence in a recent pest risk assessment and an accompanying risk management document, we believe these articles can be safely imported from all provinces of Chile, provided certain conditions are met. This action would provide for the importation of clementines, mandarins, and tangerines from Chile into the United States while continuing to protect the United States against the introduction of plant pests.

Timetable:

Action	Date	FR Cite
NPRM	03/22/04	69 FR 13262
NPRM Comment Period End	05/21/04	
Next Action	To Be	Determined
Undetermined		

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

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

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

Phone: 301 734-1236

RIN: 0579-AB77**81. • 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 proposed 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	
Next Action	To Be	Determined
Undetermined		

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

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

Agency Contact: Dr. Arnold T. Tschanz, Senior Staff Officer, Regulatory Coordination Staff, PPQ,

USDA—APHIS

Long-Term Actions

Department of Agriculture, Animal and Plant Health Inspection Service, Unit

141, 4700 River Road, Riverdale, MD 20737-1236

Phone: 301 734-5306
RIN: 0579-AB78

Department of Agriculture (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

82. BLOOD AND TISSUE COLLECTION AT SLAUGHTERING AND RENDERING ESTABLISHMENTS

Priority: Other Significant

CFR Citation: 9 CFR 71

Completed:

Reason	Date	FR Cite
Final Action	03/04/04	69 FR 10137
Final Action Effective	03/04/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Diane Sutton
Phone: 301 734-6954

RIN: 0579-AB13

83. PLUM POX COMPENSATION

Priority: Other Significant

CFR Citation: 7 CFR 301.74-5

Completed:

Reason	Date	FR Cite
NPRM	10/16/03	68 FR 59548
Final Action	06/01/04	69 FR 30815
Final Action Effective	07/01/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0579-AB19

84. VETERINARY DIAGNOSTIC USER FEES—5-YEAR PLAN FOR FEES (COMPLETION OF A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5542; 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 to 136a; 31 USC 3701; 31 USC 3716 to 3717; 31 USC 3719; 31 USC 3720A

CFR Citation: 9 CFR 130

Legal Deadline: None

Abstract: This action will increase the user fees for multiple fiscal years for APHIS' Veterinary Services' veterinary diagnostic user fee goods and services.

This action is necessary in order to ensure that we recover the full costs of providing these goods and services.

Timetable:

Action	Date	FR Cite
NPRM	07/24/03	68 FR 43661
NPRM Comment Period End	09/22/03	
Final Action	05/06/04	69 FR 25305
Final Action Effective	07/07/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

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

RIN: 0579-AB22

85. INFECTIOUS SALMON ANEMIA; PAYMENT OF INDEMNITY

Priority: Other Significant

CFR Citation: 9 CFR 53

Completed:

Reason	Date	FR Cite
Final Action	04/28/04	69 FR 23087

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Jill Rolland
Phone: 301 734-8069

RIN: 0579-AB37

86. ANIMAL WELFARE; POLICY ON TRAINING AND HANDLING OF POTENTIALLY DANGEROUS ANIMALS

Priority: Other Significant

CFR Citation: 9 CFR 3

Completed:

Reason	Date	FR Cite
Agency Decision	05/28/04	69 FR 30601

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Barbara Kohn
Phone: 301 734-7833

Related RIN: Previously reported as 0579-AB12

RIN: 0579-AB39

87. ANIMAL WELFARE; TRANSPORTATION OF ANIMALS ON INTERNATIONAL CARRIERS

Priority: Other Significant

CFR Citation: 9 CFR 1 to 3

Completed:

Reason	Date	FR Cite
Determination to Regulate	10/10/03	68 FR 58575
Comment Period End	12/09/03	
Final Action	04/06/04	69 FR 17899
Determination to Regulate Effective	04/07/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Jerry DePoyster
Phone: 301 734-7586

RIN: 0579-AB51

88. PROCEDURES FOR REESTABLISHING A REGION AS FREE OF A DISEASE

Priority: Other Significant

CFR Citation: 9 CFR 92

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Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	05/10/04	69 FR 25817
Final Action Effective	06/09/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Gary Colgrove
Phone: 301 734-4356

RIN: 0579-AB53

89. • IMPORTATION OF ORCHIDS OF THE GENUS PHALAENOPSIS FROM TAIWAN IN GROWING MEDIA

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 action would amend the regulations governing the importation of plants and plant products to add orchids of the genus *Phalaenopsis* from Taiwan to the list of plants that may be imported in an approved growing medium subject to specified growing, inspection, and certification requirements. We are taking this action in response to a request by Taiwan and after determining that *Phalaenopsis* spp. plants established in growing media can be imported without resulting in the introduction into the United States or the dissemination within the United States of a plant pest or noxious weed.

Timetable:

Action	Date	FR Cite
Final Action	05/05/04	69 FR 24916
Final Action Effective	06/04/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: Jeanne Van Dersal, Import Specialist, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737-1236
Phone: 301 734-8537

RIN: 0579-AB75

BILLING CODE 3410-34-S

Department of Agriculture (USDA)

Proposed Rule Stage

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

90. CSREES AGRICULTURAL RESEARCH FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 361a et seq; 7 USC 1445; 7 USC 1622; 16 USC 582a et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

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

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-AA27

91. CSREES NON-FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 450i; PL 101-624; PL 105-185; PL 104-127; ...

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Erin Daly, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299
Phone: 202 401-3319
Fax: 202 401-7752
Email: edaly@reeusda.gov

RIN: 0524-AA28

92. • 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

USDA—CSREES

Proposed Rule Stage

allocation and distribution method for these funds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	03/00/05	

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 St., 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)

93. 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	09/00/04	

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

Department of Agriculture (USDA)

Long-Term Actions

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

94. CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS**Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Ellen Danus

Phone: 202 401-4325

Fax: 202 401-7752

Email: edanus@reeusda.gov

RIN: 0524-AA26

BILLING CODE 3410-09-S

Department of Agriculture (USDA)

Proposed Rule Stage

Rural Housing Service (RHS)

95. 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.

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Timetable:

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

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

96. 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	07/00/04	
NPRM Comment	09/00/04	
Period End		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Brian LaFlamme, Environmental Protection Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0761, Room 6900, Washington, DC 20250-0761
Phone: 202 720-9656
Email: brian.laflamme@usda.gov

RIN: 0575-AC07

97. 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. In Community Programs, our 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 our staff's ability to service our portfolio and will ensure that the Government's investment is protected and maximized. The proposed action will have no financial impact on the public of 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	03/00/05	
NPRM Comment	05/00/05	
Period End		

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

98. 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	03/00/05	
NPRM Comment	05/00/05	
Period End		

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

99. COMMUNITY FACILITIES DIRECT LOAN PROGRAM—CONSOLIDATE, SIMPLIFY, AND UPDATE REGULATIONS**Priority:** Substantive, Nonsignificant

Legal Authority: 7 USC 1926

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

Legal Deadline: None

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

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Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

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
Phone: 202 720-1497
Email: angela.lausman@usda.gov

RIN: 0575-AC27

100. 3550 REGULATION

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

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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ethen Gillespie, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1482
Fax: 202 690-0702
Email: ethen.gillespie@usda.gov

RIN: 0575-AC54

101. 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) an Agency in Rural Development 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	07/00/04	
NPRM Comment Period End	09/00/04	

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
Phone: 202 720-9651
Fax: 202 690-4335

Email: keith.suerdieck@usda.gov

RIN: 0575-AC55

102. ENVIRONMENTAL POLICIES AND PROCEDURES

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

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

CFR Citation: 7 CFR 1794; 7 CFR 1940, subpart G

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	06/00/04	
NPRM Comment Period End	08/00/04	

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

USDA—RHS

Proposed Rule Stage

103. • SERVICING OF COMMUNITY AND DIRECT BUSINESS PROGRAMS LOANS AND GRANTS—WORKOUT AGREEMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1932; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 1951; 7 CFR 1956**Legal Deadline:** None**Abstract:** This action is to establish a workout agreement with delinquent borrowers to collect delinquent loans prior to referral for treasury offset.**Timetable:**

Action	Date	FR Cite
NPRM	04/30/04	69 FR 23697
NPRM Comment Period End	06/29/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Daniel Spieldenner, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Ave., S.W., STOP 0787, Washington, DC 20250-0787
Phone: 202 720-9700
Fax: 202-690-0471
Email: dan.spieldenner@usda.gov
RIN: 0575-AC57**Department of Agriculture (USDA)
Rural Housing Service (RHS)**

Final Rule Stage

104. 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) proposes to consolidate regulations pertaining to section 515 Rural Rental Housing, section 514 Farm Labor Housing Loans, section 516 Farm Labor Housing Grants, and section 521 Rental Assistance Payments. Fourteen published regulations will be reduced to one regulation and handbooks for program administration. This will simplify loan origination and portfolio management for applicants, borrowers, and housing operators, as well as Rural Development field staff. This will also provide flexibility for program modifications to reflect current and foreseeable changes. It will also reduce regulations that address solely internal Agency program administration. Finally, the regulation will be more 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	
Final Action	12/00/04	

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
Email: susie.harris@usda.gov**RIN:** 0575-AC13

Action	Date	FR Cite
NPRM Comment Period End	02/14/00	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Agency Contact:** Robert Keyes, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 2248/STOP 0784, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-4507
Fax: 202 205-2476
Email: robert.keyes@usda.gov**RIN:** 0575-AC18**105. 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

106. GUARANTEED RURAL RENTAL HOUSING PROGRAM—SECONDARY MORTGAGE MARKET PARTICIPATION**Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 3565**Legal Deadline:** None**Abstract:** Section 538 of title V of the Housing Act of 1949 authorizes USDA to make commitments to guarantee loans for the development of housing and related facilities. By this authority, the Rural Housing Service (RHS) administers the Guaranteed Rural Rental Housing Program. The RHS, through consultation with industry and government experts in the loan guarantee field, has identified barriers to the success of the program. In the case of default, regulations will be revised to allow for a timely payment

USDA—RHS

Final Rule Stage

to the investor. In addition, lenders will be allowed to submit a claim for "estimated" losses. The RHS also intends to lower the annual guarantee fee from 50 to 25 basis points.

Timetable:

Action	Date	FR Cite
NPRM	06/10/03	68 FR 34552

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Douglas MacDowell, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Stop 0781, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1627
Fax: 202 690-3444
Email: douglas.macdowell@usda.gov

RIN: 0575-AC28

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

Completed Actions

107. OPERATING ASSISTANCE FOR MIGRANT FARMWORKER PROJECTS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1944, subpart D; 7 CFR 1930, subpart C

Completed:

Reason	Date	FR Cite
Withdrawn	04/15/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Douglas MacDowell
Phone: 202 720-1627
Fax: 202 690-3444
Email: douglas.macdowell@usda.gov

RIN: 0575-AC24

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1944, subpart D

Completed:

Reason	Date	FR Cite
Final Action	10/31/02	67 FR 66308

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Douglas MacDowell
Phone: 202 720-1627
Fax: 202 690-3444
Email: douglas.macdowell@usda.gov

RIN: 0575-AC25

109. FIRE AND RESCUE AND OTHER COMMUNITY FACILITY PROJECTS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1942

Completed:

Reason	Date	FR Cite
Direct Final Rule	11/24/03	68 FR 65829

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Riggs
Phone: 202 720-1490
Fax: 202 690-0471
Email: dan.riggs@usda.gov

Related RIN: Split from 0575-AC27

RIN: 0575-AC53

BILLING CODE 3410—XV—S

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

Proposed Rule Stage

110. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS

Priority: Other Significant

Legal Authority: 7 USC 1506(l); PL 106-224

CFR Citation: 7 CFR 400

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

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

111. 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

USDA—FCIC

Proposed Rule Stage

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	07/00/04	

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

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

113. • COMMON CROP INSURANCE REGULATIONS; PEANUT CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to solicit public comments on FCIC's proposed action to amend the Peanut Crop Provisions. FCIC is soliciting public comment to allow optional units for peanuts to be established in accordance with section 34 of the Common Crop Insurance Policy Basic Provisions. The Farm Security and

Rural Investment Act of 2002 (FSRI) repealed peanut quotas, and as result RMA converted the peanut program into an Actual Production History plan of insurance. This proposed change will allow peanut producers to have optional unit with an appropriate rate surcharge, which is consistent with other insurable crops grown by peanut producers in the area on the basis of the requirements as stated in section 34 of the Common Crop Insurance Policy Basic Provisions. Also, peanut producers have expressed that the RMA consider allowing producers to insure their peanuts on the basis of a "contract price." Therefore, RMA is requesting public comment as to the feasibility and possible approaches for insuring peanuts at a "contract price" when grown under a processor contract.

Timetable:

Action	Date	FR Cite
NPRM	05/17/04	69 FR 27864
NPRM Comment Period End	06/16/04	
Final Action	09/00/04	

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-AB93

Department of Agriculture (USDA)

Final Rule Stage

Federal Crop Insurance Corporation (FCIC)

114. 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

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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	08/00/04	

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

115. COMMON CROP INSURANCE REGULATIONS; BLUEBERRY CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to convert the blueberry pilot insurance

program to a permanent insurance program. The pilot was initiated for the 1995 crop year for selected counties in Michigan, Mississippi, New Jersey, and North Carolina and covered highbush and rabbiteye blueberry varieties. This action will add provisions for quality adjustment for mature blueberries, provide standards to determine marketable blueberry production and define damaged blueberries. This action will also include additional insurance benefits such as quality adjustment and clarify existing policy provisions to better meet the needs of the insured and improve actuarial soundness.

Timetable:

Action	Date	FR Cite
NPRM	07/30/03	68 FR 44668
NPRM Comment Period End	09/29/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AB76

116. 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	09/00/04	

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

117. COMMON CROP INSURANCE REGULATIONS; PROCESSING TOMATO CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to amend the Common Crop Insurance Policy: Processing Tomato Crop Insurance Provisions to clarify that producers who have production contracts with tomato brokers are eligible for insurance. Current provisions do not clearly relay this intent. The rule will require a tomato broker to have all licenses and permits required by the State in which it

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operates, and to have a long term agreement in writing with a processor to purchase and deliver processing tomatoes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64570
NPRM Comment Period End	01/13/04	
Final Action	07/00/04	

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-AB90

118. COMMON CROP INSURANCE REGULATIONS; PECAN REVENUE CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to convert the pecan revenue pilot crop insurance program to a permanent insurance program. The pilot was initiated for the 1998 crop year for selected counties in Georgia, New Mexico, and Texas and covered only the improved pecan varieties. On September 19, 2002, FCIC's Board of Directors voted to expand the pilot pecan program into 79 additional counties in Georgia for the 2003 crop year and to convert the program to a permanent program effective for the 2005 crop year. As a result of the pilot review, several changes were made to the policy as follows: Changed the cancellation and termination dates, end of insurance date, and sales closing date to better meet the needs of the pecan producer; removed language that prohibited insurance to be provided by written agreement only for counties where the pecan actuarial documents have been filed; and removed language that is a duplication of the Basic Provisions language.

Timetable:

Action	Date	FR Cite
NPRM	03/10/04	69 FR 11342
NPRM Comment Period End	04/09/04	
Final Action	07/00/04	

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-AB91

119. • COMMON CROP INSURANCE REGULATIONS; APPLE CROP INSURANCE PROVISIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of this rule is to solicit public comments on FCIC's proposed action to revise the Apple Crop Provisions, 7 CFR part 457.158. FCIC solicited public comment on: 1) Raising the floor of the insurable grade from U.S. cider grade to U.S. No. 1 Processing in the base policy. Due to changes in the apple industry, cider grade apples have no value; and 2) revising the Fresh Fruit Option B that provides quality for fresh apples that do not make U.S. fancy to provide all perils and eliminates several options under the current program and provide simplification and certainty to the apple crop insurance program.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16181
NPRM Comment Period End	04/28/04	
Final Action	07/00/04	

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-AB92

120. • GENERAL ADMINISTRATIVE REGULATIONS, BASIC PROVISIONS

Priority: Other Significant

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation (FCIC) finalizes the Group Risk Plan of Insurance Regulations (GRP Provisions) and the Common Crop Insurance Regulations, Basic Provisions (Basic Provisions), to make revisions that will reduce program vulnerabilities and clarify existing policy provisions to better meet the needs of the insured. Further, FCIC is making conforming amendments to the General Administrative Regulations, subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years and subpart P—Preemption of State Laws and Regulations, and the Catastrophic Risk Protection Endorsement. The changes will apply for the 2005 and succeeding crop years for all crops with a contract change date on or after the effective date of this rule, and for the 2006 and succeeding crop years for all crops with a contract change date prior to the effective date of this rule. In addition, FCIC is finalizing the interim rule published on June 30, 2000, implementing statutory mandates of the Agricultural Risk Protection Act of 2000 (ARPA).

Timetable:

Action	Date	FR Cite
NPRM	09/18/02	67 FR 58912
NPRM Comment Period End	10/18/02	
NPRM Comment Period Extended	10/28/02	67 FR 65732
Comment Period End	11/12/02	
Final Rule Effective	06/18/03	68 FR 37697
Final Rule	06/25/03	68 FR 37697
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

USDA—FCIC

Final Rule Stage

Department of Agriculture, Federal
Crop Insurance Corporation, 6501
Beacon Drive, Kansas City, MO 64133

Phone: 816 926-7743
Related RIN: Related to 0563-AB85
RIN: 0563-AB94

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

Completed Actions

**121. GENERAL ADMINISTRATIVE
REGULATIONS; SUBPART D;
APPLICATION FOR CROP
INSURANCE**

Priority: Other Significant
CFR Citation: 7 CFR 400
Completed:

Reason	Date	FR Cite
Withdrawn	04/30/04	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB00

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

Priority: Other Significant
CFR Citation: 7 CFR 400
Completed:

Reason	Date	FR Cite
Withdrawn	04/30/04	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Heyward Baker
Phone: 202 720-4232

RIN: 0563-AB70

**123. GENERAL ADMINISTRATIVE
REGULATIONS; MOVEMENT OF
BUSINESS AMONG INSURANCE
PROVIDERS**

Priority: Substantive, Nonsignificant
CFR Citation: 7 CFR 400
Completed:

Reason	Date	FR Cite
Withdrawn	04/30/04	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Heyward Baker
Phone: 202 720-4232

RIN: 0563-AB71

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

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Withdrawn	04/30/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB81

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

Priority: Other Significant

CFR Citation: 7 CFR 400

Completed:

Reason	Date	FR Cite
Withdrawn	04/30/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Heyward Baker
Phone: 202 720-4232

RIN: 0563-AB86

**126. COMMON CROP INSURANCE
REGULATIONS**

Priority: Other Significant

CFR Citation: 7 CFR 457.101; 7 CFR
457.161

Completed:

Reason	Date	FR Cite
Final Action	04/29/04	69 FR 23417
Final Action Effective	06/01/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB87

**127. GENERAL ADMINISTRATIVE
REGULATIONS; QUALITY
ASSURANCE AND PERFORMANCE
MEASUREMENT SYSTEM FOR THE
FEDERAL CROP INSURANCE
PROGRAM**

Priority: Other Significant

CFR Citation: 7 CFR 400

Completed:

Reason	Date	FR Cite
Withdrawn	04/30/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Heyward Baker
Phone: 202 720-4232

RIN: 0563-AB88

**128. COMMON CROP INSURANCE
REGULATIONS; SUNFLOWER,
COARSE GRAINS, SAFFLOWER, DRY
PEA, RICE, AND DRY BEAN CROP
INSURANCE PROVISIONS**

Priority: Other Significant

CFR Citation: 7 CFR 457

USDA—FCIC

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action Effective	06/01/04	69 FR 23417
Final Action	04/29/04	69 FR 23417

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB89

BILLING CODE 3410-08-S

Department of Agriculture (USDA)

Proposed Rule Stage

Grain Inspection, Packers and Stockyards Administration (GIPSA)

129. PROCESS VERIFICATION SERVICE AND ASSOCIATED FEES

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

Legal Authority: 7 USC 1621

CFR Citation: 7 CFR 868.31

Legal Deadline: None

Abstract: GIPSA is proposing to establish a process verification service for grain, rice, pulses and processed commodities derived there from, and associated user fees under the authority of the AMA of 1946. This service is

being proposed to provide United States Agriculture assistance in facilitating the marketing of grain and similar commodities. GIPSA also proposes to remove regulations which prohibit crop year, variety, and origin statements because the process verification program could serve as an industry tool for identifying these traits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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
Phone: 202 720-7486

Fax: 202 690-2755

Email: h.tess.butler@usda.gov

RIN: 0580-AA85

Department of Agriculture (USDA)

Completed Actions

Grain Inspection, Packers and Stockyards Administration (GIPSA)

130. TOLERANCES FOR DIVIDERS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 801.10

Completed:

Reason	Date	FR Cite
Direct Final Rule	10/23/03	68 FR 60617
Comment Period End	11/24/03	
Direct Final Rule Effective	12/22/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Tess Butler

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Fax: 202 690-2755

Email: h.tess.butler@usda.gov

RIN: 0580-AA57

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0580-AA58

132. LIVESTOCK PURCHASE OR SALE: PROHIBIT NONREPORTING OF PRICE

Priority: Other Significant

CFR Citation: 9 CFR 201.54

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0580-AA65

131. REVIEW INSPECTION REQUIREMENTS

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Final Action	10/28/03	68 FR 61326

133. PROHIBITION ON DISGUIISING GRAIN QUALITY

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 800.61

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0580-AA77

134. FEES FOR OFFICIAL INSPECTION AND OFFICIAL WEIGHING SERVICES

Priority: Other Significant

CFR Citation: 7 CFR 800.71

Completed:

Reason	Date	FR Cite
NPRM	11/19/03	68 FR 65210
Final Action	05/13/04	69 FR 26476
Final Action Effective	06/13/04	

USDA—GIPSA

Completed Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** H. Tess Butler

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RIN: 0580-AA80

**135. FEES FOR PROCESSED
COMMODITY ANALYTICAL SERVICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 868.90**Completed:**

Reason	Date	FR Cite
Final Action	01/13/04	69 FR 1893

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** H. Tess Butler

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RIN: 0580-AA84

BILLING CODE 3410-EN-S

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

Proposed Rule Stage

**136. 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	06/00/05	
NPRM Comment Period End	08/00/05	
Final Action	06/00/06	
Final Action Effective	09/00/06	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** Local, State**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302

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RIN: 0584-AB51

**137. FOOD STAMP PROGRAM:
ADMINISTRATIVE COST
REIMBURSEMENT****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-185, sec 502**CFR Citation:** 7 CFR 277**Legal Deadline:** Final, Statutory, October 1, 1998, Payment reduction required by law.**Abstract:** This rule will allow State agencies to charge the FSP for its share of common costs for determining eligibility of Temporary Assistance for Needy Families (TANF) households for FSP in accordance with new HHS policy and approved cost allocation plans. (99-007)**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	12/00/04	
Final Action	06/00/05	
Final Action Effective	10/00/05	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Federalism:** Undetermined**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302

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RIN: 0584-AC86

**138. 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 FDIPIR 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	11/00/04	
NPRM Comment Period Ends	01/00/05	

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

USDA—FNS

Proposed Rule Stage

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RIN: 0584-AD12

139. 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	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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RIN: 0584-AD15

140. 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	09/00/04	
NPRM Comment Period End	11/00/04	
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

141. 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	09/00/04	
NPRM Comment Period End	01/00/05	
Final Action	09/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

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

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RIN: 0584-AD35

142. 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

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vendor has been disqualified; requires State agencies to document the number of cans of infant formula purchased by participants; prohibits provision of incentive items solely to WIC participants; protects State agencies against loss of revenue due to vendor nonselection; and provides for an abbreviated administrative review when a State agency issues a civil money penalty in lieu of a reciprocal WIC disqualification. The rule also increases the maximum fine for theft or fraud from \$10,000 to \$25,000, in accordance with Public Law 105-336. (02-013)

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	01/00/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 0584-AD36

143. 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	10/00/04	
NPRM Comment Period Ends	01/00/05	
Final Action	12/00/05	
Final Action Effective	01/00/06	

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

144. NATIONAL SCHOOL LUNCH PROGRAM (NSLP) ALLOWABLE COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1752

CFR Citation: 7 CFR 210, 215, 220

Legal Deadline: None

Abstract: This proposed rule would update 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 will prohibit 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	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Federalism: Undetermined

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RIN: 0584-AD38

145. 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	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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RIN: 0584-AD40

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Proposed Rule Stage

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

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

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 248

Legal Deadline: None

Abstract: 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 agency's need relative to all other State agencies' needs. (03-004)

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 0584-AD41

147. • 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, 250.40, 250.41, 250.42, 250.48; 7 CFR 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 school food authority for donated foods received, through invoice reductions or crediting. The rule would provide some flexibility in crediting for, and use of donated foods, by allowing the school to negotiate donated food values with the food service management company, and by allowing the food service management company to substitute donated foods with commercially purchased foods, with the exception of (1) donated beef and pork, and (2) end products received from processors.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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RIN: 0584-AD45

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

Final Rule Stage

148. SPECIAL SUPPLEMENTAL FOOD 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	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department

USDA—FNS

Final Rule Stage

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RIN: 0584-AB10

149. 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	09/00/04	
Interim Final Rule Effective	10/00/04	

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

150. 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. (96-016)

Timetable:

Action	Date	FR Cite
NPRM	07/12/01	66 FR 36495
NPRM Comment Period End	09/10/01	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0584-AC37

151. 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	04/00/05	
Final Action Effective	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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RIN: 0584-AC72

152. 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

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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	09/00/04	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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RIN: 0584-AC75

153. 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 and 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	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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RIN: 0584-AC84

154. 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. Many of these same provisions

were presented as recommendations in the proposed 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	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584-AC95

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

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 106-387

CFR Citation: 7 CFR 273.8; 7 CFR 273.9

Legal Deadline: None

Abstract: This final rule (1) implements a revision of the Food Stamp Program's resource eligibility standards regarding vehicle ownership and (2) sets the maximum excess shelter expense deduction for fiscal year 2001 and, for future years, indexes it to the Consumer Price Index. (01-006)

Timetable:

Action	Date	FR Cite
NPRM	08/29/03	68 FR 51932

USDA—FNS

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/28/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State**URL For Public Comments:**

www.fns.usda.gov/fsp/rules/regulations/default.htm

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RIN: 0584-AD13**156. SPECIAL NUTRITION PROGRAMS: UNIFORM FEDERAL ASSISTANCE REGULATIONS; NONDISCRETIONARY TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503, 111, and 7501; PL 98-502; PL 104-156**CFR Citation:** 7 CFR 210, 215, 220, 225, 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	09/00/04	

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

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RIN: 0584-AD16**157. 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	04/00/05	
Final Action Effective	05/00/05	

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

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RIN: 0584-AD27**158. 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	01/00/05	

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

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RIN: 0584-AD28

USDA—FNS

Final Rule Stage

159. FSP: HIGH PERFORMANCE BONUSES

Priority: Other Significant

Legal Authority: PL 107-171

CFR Citation: 7 CFR 272; 7 CFR 275

Legal Deadline: None

Abstract: This action will finalize amendments to the FSP regulations originally proposed on December 17, 2003, titled FSP High Performance Bonuses. These amendments were provided for in the Farm Security and Rural Investment Act of 2002 for States that demonstrate high or improved performance in administration of the Food Stamp Program. This action will finalize the measurement criteria for fiscal year 2005 and beyond. (02-006)

Timetable:

Action	Date	FR Cite
NPRM	12/17/03	68 FR 70193
NPRM Comment Period End	02/17/04	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 0584-AD29

160. 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	12/00/04	
Final Action Effective	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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RIN: 0584-AD32

161. • 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 date of the interim final rule. (04-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 0584-AD43

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

Long-Term Actions

162. 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	12/00/05

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

USDA—FNS

Long-Term Actions

Government Levels Affected: Local, State

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

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RIN: 0584-AC94

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

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 7 CFR 273

Timetable:

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20724

Action	Date	FR Cite
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

164. 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	12/00/05	

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

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

Priority: Other Significant

CFR Citation: 7 CFR 278.6

Completed:

Reason	Date	FR Cite
Withdrawn—Change in agency priorities	04/13/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 0584-AD18

166. FOOD STAMP PROGRAM: SIMPLIFICATION AND STATE FLEXIBILITY

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 7 CFR 272; 7 CFR 273

Completed:

Reason	Date	FR Cite
Withdrawn—Determined that proposed changes were not needed or could be incorporated into other rules	04/15/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

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RIN: 0584-AD22

167. PRIVACY ACT: REVISION OF AN EXISTING SYSTEM OF RECORDS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Final Action	03/30/04	69 FR 16513
Final Action Effective	05/14/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 0584-AD24

168. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): REVISIONS TO WIC FOOD PACKAGES

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

CFR Citation: 7 CFR 246

Completed:

Reason	Date	FR Cite
ANPRM Comment Period End	12/15/03	
Withdrawn—Pending results of IOM Study	04/09/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

USDA—FNS

Completed Actions

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

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RIN: 0584-AD39
BILLING CODE 3410-30-S

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

Prerule Stage

169. NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 5 USC 610; 21 USC 601; 21 USC 453; ...

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

Legal Deadline: Other, Statutory, June 2004, Review mandated to conclude within 12 months after initial announcement of review.

Section 610 of the RFA mandates that this review be concluded within 12 months after its commencement date.

Abstract: On January 6, 1993, the Department of Agriculture, Food Safety and Inspection Service (FSIS) amended the Federal meat and poultry products inspection regulations with promulgation of the aforementioned final rule (58 FR 632) to (1) permit voluntary nutrition labeling on single-ingredient, raw meat and poultry products; and (2) to establish mandatory nutrition labeling requirements for all other meat and poultry products, notwithstanding specific exceptions.

Promulgation Purpose and Legal Basis: Sections 1(n) of the Federal Meat Inspection Act (FMIA), and 4(h) of the

Poultry Products Inspection Act (PPIA) establish the Secretary of Agriculture's statutory responsibility for ensuring that meat and meat food products, prepared and intended to be distributed in commerce, are not adulterated, misbranded, or improperly marked, labeled, and packaged (21 U.S.C. 601(n)(1); 21 U.S.C. 453(4)(h)).

On November 8, 1990, the Nutrition Labeling and Education Act of 1990 (NLEA) was enacted by Public Law 101.535 (104 Stat. 2353). The statute amended certain provisions of the Federal Food, Drug, and Cosmetic Act and required: (1) Mandatory nutrition labeling for most of the Food and Drug Administration's (FDA) regulated packaged food products; and (2) issuance of voluntary nutrition guidelines to food retailers for providing nutrition information on 20 of each most frequently consumed during a year varieties of raw vegetables, raw fruits, and raw fish. However, if food retailers failed to substantially comply with the voluntary guidelines, the NLEA requires FDA to issue mandatory requirements.

FSIS' final rule entitled, "Nutrition Labeling of Meat and Poultry Products," will be reviewed under the Regulatory Flexibility Act's section 610

provisions within the succeeding 12 months. Accordingly, the FSIS invites all interested parties to submit comments on: (1) The continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, and local rules; (4) the nature of complaints or comments received concerning the rule from the public; and (5) the technology and economic conditions, or other factors, which have changed the specific area affected by the rule.

Timetable:

Action	Date	FR Cite
Final Rule	01/06/93	58 FR 632
End Review	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AC95

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

Proposed Rule Stage

170. PERFORMANCE STANDARDS FOR 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 and/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 and/or massaged bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped and/or massaged bacon must meet. To meet the proposed performance standard, the process used to produce pumped and/or massaged bacon would be required to limit the presence of nitrosamines when the product is cooked.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Executive Associate, Office of Policy, Program and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex

USDA—FSIS

Proposed Rule Stage

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 RIN: 0583-AC49

171. EGG PRODUCTS INSPECTION REGULATIONS

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

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 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. 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	12/00/04	

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

172. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION

Priority: Substantive, Nonsignificant

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

CFR Citation: 9 CFR 317; 9 CFR 327; 9 CFR 381; 9 CFR 412

Legal Deadline: None

Abstract: This rulemaking will continue an effort initiated several years ago by amending FSIS's regulations to expand the types of labeling that are generically approved. FSIS plans to propose that the submission of labeling for approval prior to use be limited to certain types of labeling, as specified in the regulations. In addition, FSIS plans to reorganize and amend the regulations by consolidating the nutrition labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart B, and part 381, subpart Y, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0583-AC59

173. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) are proposing to modernize their food standards. The agencies are proposing a set of 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.

USDA—FSIS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0583-AC72

174. PERFORMANCE CRITERION FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES

Priority: Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 9 CFR 424**Legal Deadline:** None

Abstract: This rule is proposing to allow, on a voluntary basis, the on-line antimicrobial reprocessing of pre-chill poultry that are accidentally contaminated with digestive tract contents during slaughter. The on-line criterion for the treated birds is expected to identify an indicator organism for process control at pre-chill. 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	
Second NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 0583-AC73

175. 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	12/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC81

176. 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	08/00/04	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0583-AC87

177. 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	09/00/04	

Regulatory Flexibility Analysis

Required: No

USDA—FSIS

Proposed Rule Stage

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0583-AC91

178. 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. Major status under 5 USC 801 is undetermined.

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	09/00/04	

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

179. ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY

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

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

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

Legal Deadline: None

Abstract: FSIS is proposing to reform the regulations governing ante-mortem and post-mortem inspection of livestock and poultry. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today (e.g., splitting of sterna, prohibition of inflating carcasses). Others are duplicative regulations (e.g., those dealing with bruises and contamination) applying separately to meat and to poultry that could be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. This proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Under the proposal, the current ante-mortem requirements, listing objectionable diseases or conditions and corresponding actions to be taken, would be replaced by performance standards intended to ensure that only "normal," healthy animals that do not pose an evident hazard to public health are permitted to enter a slaughtering establishment. "Normal" animals would include those, for example, that are not running a temperature or that do not exhibit lesions of disease or behaviors characteristic of central nervous system disorders. Similarly, the post-mortem regulations, with their lists of conditions and detailed, command-and-control procedures, would be streamlined. The prescriptive provisions would be replaced by performance standards relating to food safety.

This proposal would also recodify the ante-mortem and post-mortem inspection regulations for livestock and poultry. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations concerning livestock and meat carcasses and parts, and those concerning poultry carcasses and parts, would be designated to the same parts and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

This proposal would focus on the performance standards that establishments should meet through operation of their HACCP systems for slaughtering and dressing operations. It would remove impediments to the development and operation of HACCP plans by making the current regulations compatible with the HACCP approach to food safety.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on livestock, poultry, and the carcasses and parts of livestock and poultry, affected by specific diseases and conditions. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

The Agency believes the alternative represented by this proposal—converting to performance standards the ante-mortem and post-mortem inspection regulations—would offer the best prospect for the efficient and effective implementation of HACCP. It would also maximize the flexibility establishments have to adopt technological innovations that would increase the assurance of food safety.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State

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USDA—FSIS

Proposed Rule Stage

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Related RIN: Duplicate of 0583-AC43
RIN: 0583-AD02

180. • RETAIL EXEMPTION

Priority: Other Significant
Legal Authority: 21 USC 661(c)(2); 21 USC 454(c)(2)
CFR Citation: 9 CFR 303.1; 9 CFR 381.10
Legal Deadline: None

Abstract: FSIS is planning to revise and consolidate its regulations concerning retail exemption.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0583-AD04

181. • UNIFORM COMPLIANCE DATE FOR FOOD LABELING REGULATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq
CFR Citation: None
Legal Deadline: None

Abstract: This proposed rule will establish a uniform compliance date for food labeling regulations to minimize the economic impact of labeling changes by providing for an orderly industry adjustment to new labeling requirements. If these labeling changes were effective on separate dates, the cumulative financial impact on the meat and poultry industry to incorporate these frequent changes would be substantial. Further, FSIS proposes to establish the uniform compliance date to be consistent with the approach that the Food and Drug Administration, HHS, has already established.

Timetable:

Action	Date	FR Cite
NPRM	05/04/04	69 FR 24539
NPRM Comment Period End	07/06/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AD05

182. • FOOD SECURITY PLANS

Priority: Other Significant
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 regulations to require that official establishments develop, implement, and maintain food security plans to prevent intentional product contamination. FSIS is also proposing to require that establishments review these plans routinely 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	09/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 0583-AD06

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

Final Rule Stage

183. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS

Priority: Substantive, Nonsignificant
Legal Authority: 21 USC 601 et seq
CFR Citation: 9 CFR 319
Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat

inspection regulations by removing a meat yield requirement for the standardized products "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce." Current regulations for these products require that the product contain not less than 50 percent of the species identified on the label and that the weight of the cooked pork or beef not exceed 70 percent of the uncooked weight of the meat. The first requirement is consistent with

other meat and sauce requirements, but the second requirement is not. The petitioner asserts that the product standard (promulgated in 1952) does not reflect current production practices or the commercial marketability of beef or pork with barbecue sauce. The petitioner further states that producers of these products are at a competitive disadvantage with other meat and sauce producers, because other meat and sauce producers do not have a 70

USDA—FSIS

Final Rule Stage

percent yield requirement. Foreexample, producers of the standardized products "Beef with Gravy," "Meat Pies," and "Spaghetti with Meat and Sauce" and similar standardized products do not have any meat yield requirements.

FSIS has determined that the petitioner's request should be granted. This action would permit fair competition between meat and barbecue sauce producers, and poultry and barbecue sauce producers, and would provide consistent requirements in both the meat and poultry inspection regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/03/97	62 FR 46450
NPRM Comment Period End	11/03/97	
Final Action	09/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC09

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

Priority: Economically Significant.
Major under 5 USC 801.

Unfunded Mandates: Undetermined

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; 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	12/08/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

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RIN: 0583-AC46

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

Priority: Other 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	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583-AC60

186. 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	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC82

187. 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	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AC83

188. 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 status under 5 USC 801 is undetermined.

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	12/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0583-AC88

USDA—FSIS

Final Rule Stage

**189. 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 3**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 product 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	04/12/04	
Comment Period		
End		
Final Action	12/00/04	

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**190. 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	04/12/04	
Comment Period		
End		
Final Action	12/00/04	

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

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RIN: 0583-AD03**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)****Completed Actions****191. AGENCY ORGANIZATION****Priority:** Info./Admin./Other**CFR Citation:** 9 CFR 300; 9 CFR 301; 9 CFR 306; 9 CFR 320; 9 CFR 381; 9 CFR 590**Completed:**

Reason	Date	FR Cite
Final Action	01/05/04	69 FR 250

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

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RIN: 0583-AC78

BILLING CODE 3410-DM-S

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

Proposed Rule Stage

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

Priority: Other Significant

Legal Authority: 7 USC 5622 note

CFR Citation: None

Legal Deadline: None

Abstract: This rule proposes to establish regulations applicable to the Emerging Markets Program, currently authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 and amended by the Federal Agriculture Improvement and Reform Act of 1996. The Emerging Markets Program currently operates under agency guidelines. The proposed rule would amend and codify the existing guidelines. Codification of the guidelines should not change program administration noticeably. Because the program is already in operation under agency guidelines, this proposal would have no significant impact on the U.S. economy.

The proposed rule will provide specific regulations concerning program administration. Significant provisions include definitions of emerging market and country eligibility, program objectives and priorities, eligible organizations, qualification requirements, application and review processes, decisions and appeals, reimbursement rules and procedures, reporting requirements, evaluations, and program controls.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 0551-AA62

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

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

Unfunded Mandates: Undetermined

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; establishing a reexport program for raw sugar; 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	09/00/04	
NPRM Comment Period End	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0551-AA65

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

Long-Term Actions

194. CCC SUPPLIER CREDIT GUARANTEE PROGRAM

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

CFR Citation: 7 CFR 1493

Timetable:

Action	Date	FR Cite
NPRM	07/19/95	60 FR 37025
NPRM Comment Period End	09/18/95	
Interim Final Rule	07/01/96	61 FR 33825
Interim Final Rule Effective	08/30/96	

Action Date FR Cite

Interim Final Rule	12/30/96	
Comment Period End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0551-AA30

195. FACILITY GUARANTEE PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 17; 7 CFR 1493

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/93	58 FR 11786

USDA—FAS

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/01/93	
Interim Final Rule	08/08/97	62 FR 42651
Interim Final Rule Comment Period End	10/07/97	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Kimberly Chisley

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RIN: 0551-AA35**BILLING CODE** 3410-10-S**Department of Agriculture (USDA)
Forest Service (FS)**

Prerule Stage

196. • WATERSHED FORESTRY ASSISTANCE PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-148**CFR Citation:** None**Legal Deadline:** None

Abstract: In 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 WFA.

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 an advance notice of interim final guidelines with request for comment in the Federal Register seeking comments on the proposed approach for program implementation. Comments received will be considered in the development of the interim final guidelines and additional agency directives issued to Forest Service Manual (FSM) 3500, Cooperative Watershed Management.

Timetable:

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

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/>

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-AC19**RIN:** 0596-AC18**197. • TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-148**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service, in cooperation with Indian Tribes, is preparing guidelines 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 an advance notice of interim final guidelines with request for comment in the Federal Register seeking comments on the proposed approach for program implementation. Comments received will be considered in the development of the interim final guidelines and additional agency directives issued to Forest Service Manual (FSM) 3500, Cooperative Watershed Management.

USDA—FS

Prerule Stage

Timetable:

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

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

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

Proposed Rule Stage

198. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254

Legal Deadline: None

Abstract: This proposed rule sets forth the Forest Service role and procedures in the conveyance of Indian allotments on National Forest System (NFS) lands. The Indian Allotment Act of 1910, as amended, authorizes the Secretary of the Interior to make allotments of NFS lands to American Indians for homesteading and agricultural and grazing purposes, but only after a determination by the Secretary of Agriculture that the lands are more valuable for agriculture or grazing than for timber. The Forest Service has relied upon U.S. Department of the Interior rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations. This proposed rule clarifies the role of the Forest Service in the allotment process. It preserves the rights of affected individual American Indians who wish to apply for allotments on NFS lands. An earlier version of this proposed rule was published in the Federal Register on June 22, 1987 (52 FR 23473). Very few comments were received on the 1987 proposed rule, and this revision of the proposed rule makes only limited changes needed to update the rule due to the passage of 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	02/00/05	
Second NPRM Comment Period End	04/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596-AA52

199. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 620 et seq

CFR Citation: 36 CFR 223.200

Legal Deadline: None

Abstract: This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 620a(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.). Section 620a(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the

contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in section (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary determines, through rulemaking, to be surplus to domestic manufacturing needs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 0596-AB27

200. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 251; 36 CFR 214

Legal Deadline: None

USDA—FS

Proposed Rule Stage

Abstract: The Forest Service is publishing a proposed rule to redesignate appeals of decisions relating to occupancy and use of National Forest System lands from 36 CFR part 251 to 36 CFR part 214, thus placing all appeal rules in close proximity. The current rule at 36 CFR part 251 also needs to be updated for conformance with the Appeal Reform Act. The proposed rule would revise a number of existing provisions. For example, changes to part 251 would remove the review of decisions subject to the National Environmental Policy Act and place this kind of appeal under 36 CFR part 215, thus narrowing the scope of part 251 subpart C to actions that administer existing special use authorizations, such as written decisions that modify, suspend, or cancel an authorization. Additionally, the proposed rule would clarify that this is the appropriate part for appeal of decisions related to locatable mining operations. Among specific changes being proposed are establishing the Regional Forester as the appellate level for review of both District Ranger and Forest Supervisor decisions; eliminating the discretionary review option; establishing timeframes for scheduling oral presentations; 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 changes to conform terminology and definitions with 36 CFR part 215.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

Regulatory Flexibility Analysis**Required:** 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-AB45**201. 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	08/00/04	
Second NPRM Comment Period End	10/00/04	

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

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RIN: 0596-AB61

202. 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	07/00/04	

USDA—FS

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596-AB70

203. 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	07/00/04	
NPRM Comment Period End	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0596-AB75

204. 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 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	07/00/04	
Comment Period End	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AB92

205. 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 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	07/00/04	
Comment Period End	09/00/04	

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

USDA—FS

Proposed Rule Stage

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 RIN: 0596-AB93

206. SAWTOOTH NATIONAL RECREATION AREA-PRIVATE LANDS; INCREASING RESIDENTIAL OUTBUILDING SIZE

Priority: Substantive, Nonsignificant

Legal Authority: PL 92-400

CFR Citation: 36 CFR 292.16

Legal Deadline: None

Abstract: The Forest Service is proposing a limited amendment to the rules at 36 CFR 292.16(e)(2)(ii) applicable to private lands on the Sawtooth National Recreation Area in Idaho. This proposed rule would revise the standard for residential outbuildings on the SNRA to a maximum area of 850 square feet (currently, 400 square feet) and would limit such outbuildings to one story. This change would accommodate the storage needs for residents within the SNRA. The new standard would facilitate replacement of the temporary structures and also the unsightly, unprotected outdoor storage of materials, equipment, and vehicles. In general the residents within the SNRA are supportive of the proposed amendment, which should be considered as noncontroversial based on comments previously received in response to an environmental assessment prepared in 2000 for a proposed revision of the Sawtooth National Forest land and resource management plan. At that time, numerous comments stated that the existing standard for the size of outbuildings is inadequate, and they expressed support for revising the outbuilding standard.

Timetable:

Action	Date	FR Cite
NPRM	04/22/04	69 FR 21796
NPRM Comment Period End	06/21/04	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AC00

207. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVES (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL (FSM) 1920 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) 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 to be adopted at 36 CFR part 219 governing land and resource management planning. The proposed rule was published on December 6, 2002 (67 FR 72770).

Timetable:

Action	Date	FR Cite
Proposed Directives	07/00/04	
Comment Period End	09/00/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0596-AB86

RIN: 0596-AC02

208. SPECIAL AREAS; ROADLESS AREA CONSERVATION; APPLICABILITY TO NATIONAL FOREST SYSTEM LANDS IN ALASKA

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1604 ; 42 USC 4321

CFR Citation: 36 CFR 294

Legal Deadline: Other, Judicial, August 10, 2003, Advance Notice of Proposed Rulemaking.

As required by a settlement agreement signed on June 10, 2003, between the U.S. Department of Justice and the State of Alaska, the Forest Service must publish an advance notice of proposed rulemaking in the **Federal Register** within 60 days of the signing of the settlement agreement.

Abstract: The Forest Service is publishing a proposed rule to seek further public comment on possible amendments to 36 CFR 294.14(d) that would permanently exempt the Tongass and Chugach National Forests in Alaska from the scope and applicability of the Roadless Area Conservation final rule (the "roadless rule") published in the Federal Register on January 12, 2001, which established prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas at 36 CFR part 294 (66 FR 3244). Since publication, the roadless rule has been challenged by nine lawsuits filed in six judicial districts, including the Alaska district, and in four Federal circuits. On May 10, 2001, a Federal judge issued a preliminary injunction order preventing the Department from implementing the roadless rule. On April 14, 2003, the injunction order was reversed by the Ninth Circuit Court of Appeals. On July 14, 2003, a Federal district judge in the Tenth Circuit issued a permanent injunction order which is now pending appeal before the Tenth Circuit Court of Appeals.

On June 10, 2003, a settlement agreement was signed between the U.S. Department of Justice and the State of Alaska to resolve the suit filed by the State of Alaska and other plaintiffs. As required by the settlement agreement, an advance notice of proposed rulemaking (ANPRM) was published on July 15, 2003 (68 FR 41864). This proposed rule is being prepared after evaluation and consideration of public comments received on the advance notice of proposed rulemaking

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Proposed Rule Stage

published in July. As further stipulated by the settlement agreement, the agency also published on July 15, 2003 (68 FR 41865), a proposed amendment to the roadless rule that would exclude the Tongass National Forest from its applicability until USDA promulgates a revised final roadless rule as announced in the July 10, 2001, advance notice of proposed rulemaking (66 FR 35918).

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	
NPRM	11/00/04	
NPRM Comment Period End	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

www.roadless.fs.fed.us

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Related RIN: Related to 0596-AC04, Previously reported as 0596-AB85

RIN: 0596-AC05**209. 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	07/00/04	
NPRM Comment Period End	09/00/04	

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

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RIN: 0596-AC10**210. TRAVEL MANAGEMENT, DESIGNATED ROUTES, AND AREAS FOR MOTOR VEHICLE USE**

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

Legal Authority: Not Yet Determined

CFR Citation: 36 CFR 212, 251, 261, and 295

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed rule that would amend 36 CFR part 212 by establishing two subparts. Subpart A would be for Administration of the Forest Transportation System and Subpart B would be Designation of Roads, Trails, and Areas for Motor Vehicle Use; 36 CFR part 295 would be incorporated into 36 CFR part 212, subpart B. The proposed changes would 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 would ensure that collaborative efforts at the local level are integrated into decisionmaking.

Additionally, the proposed rule would amend 36 CFR part 261 and 36 CFR part 251 to update language in current usage consistent with the proposed 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	07/00/04	
NPRM Comment Period End	09/00/04	

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

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RIN: 0596-AC11**211. GRAZING PERMIT ADMINISTRATION (PROPOSED DIRECTIVES, FOREST SERVICE HANDBOOK 2209.13, CHAPTERS 10 AND 20)**

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

Legal Authority: Not Yet Determined

USDA—FS

Proposed Rule Stage

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	07/00/04	
Comment Period End	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AC12

212. NATIONAL FOREST SYSTEM APPEALS AND LITIGATION (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 1570) (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

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 to the Forest Service Manual (FSM) 1570, Appeals and Litigation, to reestablish the Forest Service Handbook (FSH) for appeals filed pursuant to notice, comment, and appeal procedures for National Forest System projects and activities at 36 CFR part 215. These proposed 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
Proposed Directives	07/00/04	
Comment Period End	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AC13

213. • CLIMBING BOLTS IN WILDERNESS (PROPOSED INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed interim directive to Forest Service Manual 2320 to establish policy regarding the use and placement of climbing bolts (fixed anchors) for rock climbing in

wilderness. The need for managing the use of climbing bolts in wilderness arose in the late 1980's with disputes over their use in the Superstition Wilderness in Arizona. Since that time, a number of efforts have been initiated to resolve the issue, but have all failed. This includes the establishment of the Fixed Anchors in Wilderness Negotiated Rulemaking Committee in 1999, to develop and recommend a policy to the Secretary of Agriculture. The Negotiated Rulemaking Committee could not reach unanimous consensus on a proposed policy, and was therefore terminated. Representatives of the climbing community have been in frequent contact with the Forest Service since the committee was terminated requesting resolution of the issue.

This proposed interim directive would assure consistent treatment of the use and placement of climbing bolts in wilderness throughout the National Forest System. It would establish policy to address where the use and placement of fixed anchors is appropriate for recreational purposes and emergency needs, and limitations on associated equipment.

Timetable:

Action	Date	FR Cite
Proposed Interim Directive	09/00/04	
Comment Period End	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

USDA—FS

Proposed Rule Stage

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	07/00/04	
Comment Period End	09/00/04	

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

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215. • MAXIMUM TERM FOR OUTFITTER/GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVE, FOREST SERVICE HANDBOOK (FSH) 2709.11, CHAPTER 40)

Priority: Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service is publishing a proposed 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. This proposed directive would maintain consistent policy between the Bureau of Land Management and the Forest Service. The Bureau of Land Management, with whom the Forest Service shares many permitted outfitters and common agency direction, extended their special recreation permit term for outfitters from 5 to 10 years (69 FR 5702, February 6, 2004).

Timetable:

Action	Date	FR Cite
Proposed Directive	07/00/04	
Comment Period End	09/00/04	

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-AC23

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

Priority: Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**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	10/00/04	
Comment Period End	11/00/04	

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

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RIN: 0596-AC24

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

Priority: Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**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

USDA—FS

Proposed Rule Stage

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 fee, 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	12/00/04	
Comment Period End	02/00/05	

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

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Department of Agriculture (USDA)
Forest Service (FS)

Final Rule Stage

218. 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 Agency regulations regarding cancellation of timber sale contracts, permits, and other such instruments authorizing the sale or harvest of timber or other forest products. This rule is needed to clarify when, why, and by whom contracts may be 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
NPRM Comment Period End	02/13/97	
Final Action	12/00/04	
Final Action Effective	01/00/05	

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

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RIN: 0596-AB21

219. 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 and the Federal Land Policy and Management Act, 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	07/00/04	
Final Action Effective	08/00/04	

USDA—FS

Final Rule Stage

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

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

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

Abstract: In April 1997, the Forest Service completed a reengineering study of its special uses program. One finding in that study was that the Forest Service is conducting extensive National Environmental Policy Act (NEPA) analysis and documentation for the renewal or transfer of ownership of special use authorizations having no significant effect on the human environment, either individually or cumulatively. This level of NEPA compliance is costly, time consuming, and not commensurate with the risk attributed to the activity. Therefore, the Forest Service is adding a new category of categorical exclusions from NEPA documentation at sections 31.1b and 31.2 of FSH 1909.15, Environmental Policy and Procedures Handbook. This action gives clearer direction regarding the NEPA obligation when issuance of

a special use authorization is a purely ministerial action and no changes are proposed in permitted activities or facilities.

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

Timetable:

Action	Date	FR Cite
NPRM	09/20/01	66 FR 48412
NPRM Comment Period End	11/19/01	
Final Action	07/00/04	
Final Action Effective	07/00/04	

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

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Related RIN: Related to 0596-AB94**RIN:** 0596-AB73

221. LAND USES; SPECIAL USES REQUIRING AUTHORIZATIONS

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 477 to 482; 16 USC 551; 43 USC 1761 to 1771**CFR Citation:** 36 CFR 251, 261, 295**Legal Deadline:** None

Abstract: In April 1997, the Forest Service completed a reengineering study of its special uses program on how to manage the program in a more businesslike, customer-service-oriented way. The Agency plans to promulgate a final rule at 36 CFR 251.50 that would implement recommendations from this study. The study determined that many units are issuing special use authorizations unnecessarily, thereby increasing workloads. The study

concluded that the Agency should clarify the special uses rules at section 251.50(a) to make explicitly clear that special use authorizations should not be issued for activities that are addressed by other Forest Service regulations; for example, those governing the disposal of timber (part 223); minerals (part 228); and the grazing of livestock (part 222). The study also concluded that section 251.50(e) should be added to direct that special use authorizations should not be issued where such authorization would serve no land or resource management objective and would have nominal effects on National Forest System lands; for example, where activities are adequately regulated by other governmental entities or where an authorized officer determines that normal operation and maintenance by the holder is within the scope of a right-of-way, easement, or other valid existing real property interest. Further, the rule at section 251.50(d) would clarify requirements regarding authorizations for special uses involving National Forest System roads and trails. The current regulation requires the issuance of closure orders for regulation of special uses on NFS roads and trails. The revised regulation would eliminate the necessity of individual closure orders for common public service permit programs.

Timetable:

Action	Date	FR Cite
NPRM	01/22/03	68 FR 2948
NPRM Comment Period End	03/24/03	
Final Action	07/00/04	
Final Action Effective	08/00/04	

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

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RIN: 0596-AB74

USDA—FS

Final Rule Stage

222. 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 (Appropriations Act H.R. 3423, section 339, Forest Botanical Products). Forest botanical products include products, such as herbs, berries, seeds, and wildflowers that are not wood products. The intended effect of this rule is to give guidance and consistency for the sustainability and sale of special forest products including forest botanical products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	
Interim Final Rule Comment Period End	09/00/04	

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

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RIN: 0596–AB81**223. DETERMINING FAIR MARKET VALUE FOR RECREATION RESIDENCE USE AUTHORIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497; PL 106–291, title VI**CFR Citation:** None**Legal Deadline:** None

Abstract: The Appropriations Act for the Department of the Interior and Related Agencies for Fiscal Year 2001 (Pub. L. 106-291) contains provisions in title VI “Cabin User Fee Fairness Act of 2000” to ensure consistent and fair processes for appraising the fee simple value of recreation residence lots on National Forest System (NFS) lands. 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. An estimated 2,500 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. There are approximately 15,000 recreation residences nationally on NFS lands. Recreation residence permit holders and their immediate families and friends are particularly interested in the outcome of this rule and policymaking, as well as a few specific members of Congress. A cursory review of the comments received suggests that most of the substantive concerns either can be accommodated with minor changes in the draft policy revisions and rulemaking or, alternatively, can be addressed in the preamble to the final rulemaking and policymaking documents. The general nature of the comments do suggest the need for major, substantive changes to the draft of the proposed rule and policy, as published on May 13, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25748

Action	Date	FR Cite
NPRM Comment Period End	08/11/03	
Final Action	07/00/04	

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

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224. 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 adopting a final rule that revises the National Forest System Land and Resource Management Planning Rule adopted November 9, 2000. The proposed rule was published December 6, 2002 (67 FR 72770). The proposed changes are a result of a review conducted by Forest Service personnel at the direction of the Office of the Secretary.

The final rule also responds to internal review and comments received after the proposed rule was published on December 6, 2002. This rule is intended to improve upon the 2000 rule by providing a planning process that is more readily understood, is within the Agency’s capability to implement, is within anticipated budgets and staffing levels, and recognizes the programmatic nature of planning.

Timetable:

Action	Date	FR Cite
NPRM	12/06/02	67 FR 72770
NPRM Comment Period End	03/24/03	
Final Action	07/00/04	
Final Action Effective	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

USDA—FS

Final Rule Stage

Government Levels Affected: None

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225. COMMUNITY AND PRIVATE LAND FOREST FIRE ASSISTANCE PROGRAM

Priority: Other Significant
Unfunded Mandates: Undetermined
Legal Authority: PL 107-171
CFR Citation: 36 CFR 230 subpart D (new)
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/04	
Interim Final Rule Comment Period End	12/00/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

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226. DELEGATION OF AUTHORITY TO APPROVE FREE USE BY INDIVIDUALS

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

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	07/00/04	
Interim Final Rule Comment Period End	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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227. • 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

USDA—FS

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule	04/08/04	
Comment Period		
End		
Final Action	09/00/04	
Final Action Effective	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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228. • 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 an interim final rule at part 223, subpart B, of title 36, Code of Federal Regulations, section 223.112. This interim 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.

The regulations at 36 CFR part 223.33 currently provide for a stumpage rate redetermination on sales of 7 years duration on a predetermined schedule. The current regulations also provide for stumpage rate redeterminations when a purchaser has diligently performed a contract and seeks an extension (36 CFR 223.115) if, at the time of the scheduled contract termination, at least 75 percent of the contract volume has been removed, and all specified road construction completed. However, the current regulations do not give authority to the contracting officer to provide for a stumpage rate redetermination to reflect changed market conditions when, at no fault of the purchaser, an existing timber sale contract was suspended because of administrative appeals or litigation. This interim 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	06/08/04	
Comment Period		
End		
Final Action	11/00/04	
Final Action Effective	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AC16

229. • 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 an interim 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. The interim final rule will also provide an opportunity for public comment. The Forest Service will use the comments received on the interim final rule to develop a final rule for section 228.4 or incorporate the comments in an ongoing broader effort to publish a proposed rule revising all of 36 CFR 228, subpart A (RIN 0596-AB98).

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	
Interim Final Rule	09/00/04	
Comment Period		
End		

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

**Department of Agriculture (USDA)
Forest Service (FS)****Long-Term Actions****230. LOCATABLE MINERALS**

Priority: Other Significant

CFR Citation: 36 CFR 228, subpart A

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

NPRM Comment
Period End 01/00/06**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

USDA—FS

Long-Term Actions

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AB98

**231. NATIONAL FOREST SYSTEM
LAND AND RESOURCE
MANAGEMENT PLANNING;
EXTENSION OF COMPLIANCE
DEADLINE FOR SITE-SPECIFIC
PROJECTS**

Priority: Substantive, Nonsignificant
CFR Citation: 36 CFR 219.35(d)

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/03	68 FR 53294
Interim Final Rule Comment Period End	11/10/03	
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-AB86

RIN: 0596-AC01

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

Completed Actions

232. HYDROPOWER APPLICATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 251

Completed:

Reason	Date	FR Cite
Final Action	10/14/03	68 FR 59160

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AA47

**233. LANDOWNERSHIP
ADJUSTMENTS; CONVEYANCE OF
SMALL TRACTS**

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 254

Completed:

Reason	Date	FR Cite
Withdrawn	04/28/04	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AA79

**234. SALE AND DISPOSAL OF
NATIONAL FOREST SYSTEM TIMBER;
EXTENSION OF TIMBER SALE
CONTRACTS TO PERMIT URGENT
REMOVAL OF TIMBER FROM OTHER
LANDS**

Priority: Substantive, Nonsignificant
CFR Citation: 36 CFR 223.50; 36 CFR
223.53

Completed:

Reason	Date	FR Cite
Final Action	01/02/04	69 FR 29
Final Action Effective	02/02/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AB48

**235. REVISIONS TO ROAD
MANAGEMENT POLICY (FOREST
SERVICE MANUAL CHAPTER 7710)**

Priority: Other Significant
CFR Citation: 36 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	12/16/03	68 FR 69986

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AB90

**236. LAND USES; PROHIBITIONS;
PALEONTOLOGICAL RESOURCES**

Priority: Substantive, Nonsignificant
CFR Citation: 36 CFR 251.51; 36 CFR
251.53; 36 CFR 261.2; 36 CFR 261.9(i)

Completed:

Reason	Date	FR Cite
Withdrawn	04/09/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AB91

**237. FOREST LAND ENHANCEMENT
PROGRAM**

Priority: Other Significant

CFR Citation: 36 CFR 230, subpart C
(New)

Completed:

Reason	Date	FR Cite
Withdrawn	06/04/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

USDA—FS

Completed Actions

Government Levels Affected: Federal, Local, State

Agency Contact: Andria D. Weeks
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RIN: 0596-AB95

238. OBJECTION PROCESS; LAND MANAGEMENT PLANNING (INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 1920)

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Merged With 0596-AC02	04/19/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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Related RIN: Merged with 0596-AC02

RIN: 0596-AB97

239. STEWARDSHIP END RESULT CONTRACTING (INTERIM DIRECTIVE, FOREST SERVICE HANDBOOK 2409.19, CHAPTER 60)

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/28/04	69 FR 4107

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AC03

240. SPECIAL AREAS; ROADLESS AREA CONSERVATION; APPLICABILITY TO THE TONGASS NATIONAL FOREST, ALASKA

Priority: Other Significant

CFR Citation: 36 CFR 294

Completed:

Reason	Date	FR Cite
Final Action	12/30/03	68 FR 75136
Final Action Effective	01/29/04	

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-AC05

RIN: 0596-AC04

241. REVISION OF TIMBER SALE CONTRACTS (FS-2400-6 AND FS-2400-6T)

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

CFR Citation: None

Completed:

Reason	Date	FR Cite
Notice	12/19/03	68 FR 25748
Comment Period End	02/17/04	
Final Action	05/06/04	69 FR 25367

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
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RIN: 0596-AC14

BILLING CODE 3410-11-S

**Department of Agriculture (USDA)
Office of the Secretary (AgSEC)**

Final Rule Stage

242. 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	07/00/04	

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
Phone: 202 720-9983

USDA—AgSEC

Final Rule Stage

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 Email: abradley@cfo.usda.gov
 RIN: 0503-AA21

243. GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL REFERENCE

Priority: Substantive, Nonsignificant
Legal Authority: PL 107-171, sec 9002
CFR Citation: 7 CFR 2902
Legal Deadline: NPRM, Statutory, October 10, 2002.

Abstract: These proposed regulations are for purposes of establishing guidelines for biobased products that would be afforded Federal procurement preference. The guidelines would provide for establishment of a new program for the purchase of biobased products by Federal agencies. These purchases are intended to stimulate production of new biobased products and to energize the emerging markets for these products.

Timetable:

Action	Date	FR Cite
NPRM	12/19/03	68 FR 70730

Action	Date	FR Cite
NPRM Comment	02/17/04	
Period End		
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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-AA26

244. PARTICIPATION OF RELIGIOUS ORGANIZATIONS IN USDA PROGRAMS

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

Legal Authority: EO 13279; EO 13280

CFR Citation: 7 CFR 16

Legal Deadline: None

Abstract: Implements executive branch policy to allow faith-based organizations to compete for USDA assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/05/04	69 FR 10354
NPRM Comment	05/04/04	
Period End		
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Courtenay McCormick, Deputy Director, Faith-Based and Community Initiatives, Department of Agriculture, Office of the Secretary, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0503-AA27

BILLING CODE 3410-90-S

Department of Agriculture (USDA)
 Rural Business—Cooperative Service (RBS)

Proposed Rule Stage

245. AFFIRMATIVE FAIR HOUSING MARKETING PLAN

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

Unfunded Mandates: Undetermined

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

CFR Citation: 7 CFR 1703 subpart B; 7 CFR 1942 subpart G; 7 CFR 4284 subpart D; 7 CFR 4287, subpart B; 7 CFR 4279, subpart B; 7 CFR 4274, subpart D; 7 CFR 4280, subpart A; 7 CFR 4287, subpart H

Legal Deadline: None

Abstract: This action will incorporate the requirement for housing-related projects (such as apartment buildings, nursing homes, group homes, and assisted living type facilities) to develop an Affirmative Fair Housing Marketing Plan (plan) when receiving funding from the Intermediary Relending Program, Rural Business Enterprise Grant Program, Rural Business Opportunity Grant Program, Rural Economic Development Loan and

Grant Programs, and the Business and Industry Direct and Guaranteed Loan Programs. The plan will describe strategies to attract applications from all groups in a housing market area and efforts to reach those persons in the market area who traditionally would not be expected to apply for housing. The Rural Housing Service Multifamily Housing Program regulations currently include this borrower requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
NPRM Comment	03/00/05	
Period End		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Nichelle Daniels, Loan Specialist, B&I Servicing Branch, Department of Agriculture, Rural Business—Cooperative Service, Room 6858/Stop 3224, Room 6858/Stop 3224,

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RIN: 0570-AA24

246. 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	09/00/04	

USDA—RBS

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/00/04	

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

Agency Contact: Debi Raygor, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6849/STOP 3224, Room 6849/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0570-AA26**247. RURAL BUSINESS ENTERPRISE GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1932; 7 USC 1989; 16 USC 1005**CFR Citation:** 7 CFR 1942; 7 CFR 4284**Legal Deadline:** None

Abstract: The Rural Business-Cooperative Service proposes to completely rewrite and renumber 7 CFR 1942, subpart G to 7 CFR part 4284, subpart B. This rewrite will incorporate public law changes and clarify administrative regulatory procedures and guidelines in order to improve program administration.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

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

Agency Contact: Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, Room 6868/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1400
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RIN: 0570-AA28**248. ANNUAL RENEWAL FEE****Priority:** Other Significant**Legal Authority:** 7 USC 1932**CFR Citation:** 7 CFR 4279, subpart B**Legal Deadline:** None

Abstract: The Rural Business-Cooperative Service is amending its regulation for Business and Industry Guaranteed Loans to provide for an annual renewal fee. The intended effect of this rule is to reduce the subsidy rate and its associated budget authority dollar level, which will result in a greater level of assistance to the public (i.e., higher supportable loan level).

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	11/00/04	

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

Agency Contact: Michael Foore, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0056
Fax: 202 690-3808
Email: michael.foore@usda.gov

RIN: 0570-AA34**249. RURAL BUSINESS INVESTMENT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 107-171, sec 6029**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act, 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
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

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

Agency Contact: Michael Foore, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0570-AA35**250. 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	03/00/05	
NPRM Comment Period End	05/00/05	

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

USDA—RBS

Proposed Rule Stage

Agency Contact: Brenda Griffin, Loan Specialist, Processing Division, Department of Agriculture, Rural Business—Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250
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Email: brenda.griffin2@usda.gov

RIN: 0570-AA41

251. 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).

We are concurrently undertaking to prepare draft emergency legislation to expand both the nature of authorized financial assistance and the eligible applicant pool to assure maximum flexibility on the part of the Secretary in helping to alleviate the economic distress in rural areas when a national

security emergency is declared. In the event this standby legislation is enacted, the scope of this rulemaking will be modified accordingly.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment	01/00/05	
Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William F. Hagy, Deputy Administrator, Business Programs, Department of Agriculture, Rural Business—Cooperative Service, Room 5050/Stop 3220, Room 5811/Stop 3220, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-7287

Fax: 202 690-0097

Email: bill.hagy@usda.gov

RIN: 0570-AA48

252. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS

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

Legal Authority: 7 USC 8106

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Section 9006 of the Farm Bill 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 was published on April 8 for the grant program.

The proposed 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	06/00/04	
NPRM Comment	08/00/04	
Period End		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Diane Berger, Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, Room 6867, Room 6868/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250

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RIN: 0570-AA50

Department of Agriculture (USDA)

Final Rule Stage

Rural Business—Cooperative Service (RBS)

253. 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	02/14/00	
Period End		
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Diane Berger, Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, Room 6867, Room 6868/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0570-AA19

254. RURAL BUSINESS ENTERPRISE GRANT PROGRAM—FARM BILL CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1932

CFR Citation: 7 CFR 1942

Legal Deadline: None

Abstract: President Bush signed the Farm Bill May 13, 2002, changing the definition of rural and rural area in the Consolidated Farm and Rural Development Act for certain programs including the Rural Business Enterprise Grant (RBE) program. The definition

USDA—RBS

Final Rule Stage

now reads “any area other than a city or town that has a population of greater than 50,000 inhabitants and the urbanized area contiguous and adjacent to such as a city or town.” The previous definition of rural and rural area was “any area that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile.” Therefore, the RBEG program, which is authorized under the Consolidated Farm and Rural Development Act, must be changed to reflect the current definition.

The Consolidated Farm and Rural Development Act also amended the definition of small and emerging private business enterprise to include nonprofit entities and other tax exempt organizations who have a principal office located on land of an existing or former Native American reservation in a city, town, or unincorporated area that has a population of not more than 5,000 inhabitants as an eligible small and emerging business regardless of the number of employees or operating capital of the enterprise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/02	67 FR 77907
Interim Final Rule Comment Period End	02/18/03	
Final Action	12/00/04	

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

Agency Contact: Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, Room 6868/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1400
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RIN: 0570-AA36**255. 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 Act 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	09/00/04	
Interim Final Rule Comment Period End	11/00/04	

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

Agency Contact: Brenda Griffin, Loan Specialist, Processing Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0570-AA39**256. 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	12/00/04	

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

Agency Contact: Lori Washington, Loan Specialist, Department of Agriculture, Rural

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Fax: 202 720-6561
Email: lori.washington@usda.gov

RIN: 0570-AA42**257. 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 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	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, Tribal**Federalism:** Undetermined

Agency Contact: Pandor H. Hadjy, Assistant Deputy Administrator, Business Programs, Department of Agriculture, Rural

USDA—RBS

Final Rule Stage

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 RIN: 0570-AA47

258. 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 proposed 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 3years) 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	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William F. Hagy, Deputy Administrator, Business Programs, Department of Agriculture, Rural Business—Cooperative Service, Room 5050/Stop 3220, Room 5811/Stop 3220, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0570-AA49

Department of Agriculture (USDA)

Completed Actions

Rural Business—Cooperative Service (RBS)

259. VALUE-ADDED PRODUCER GRANTS AND AGRICULTURE INNOVATION CENTERS

Priority: Other Significant

CFR Citation: 7 CFR 4284

Completed:

Reason	Date	FR Cite
Final Action	04/29/04	69 FR 23418

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James E. Haskell
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RIN: 0570-AA40

260. DEBT COLLECTION IMPROVEMENT ACT—TREASURY OFFSET AND CROSS SERVICING

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3716

CFR Citation: 7 CFR 1951

Legal Deadline: None

Abstract: This action amends the regulations governing the servicing of Rural Business-Cooperative Service (RBS) loan and grant programs by adding a section to clarify that any amounts paid by RBS on account of the liabilities of a guaranteed loan borrower will constitute a Federal debt owing to RBS by the guaranteed loan borrower or third party guarantors. RBS may use all remedies available to it, including offset under the DCIA, to collect the debt from the borrower or guarantor.

Timetable:

Action	Date	FR Cite
Final Action	01/22/04	69 FR 2999

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William F. Hagy, Deputy Administrator, Business Programs, Department of Agriculture, Rural Business—Cooperative Service, Room 5050/Stop 3220, Room 5811/Stop 3220, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0570-AA52

BILLING CODE 3410—XY—S

Department of Agriculture (USDA)
Rural Utilities Service (RUS)

Proposed Rule Stage

261. 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	06/00/04	

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-AB40

262. 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: This proposed action combines nine existing loan-servicing regulations of Water Programs into one. The new regulations will codify and clarify Water Programs policy relating to loan-servicing by incorporating simplified language without significantly changing any of the

Agency's servicing policies or procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		

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-AB59

263. 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	06/00/04	

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

264. ACCOUNTING REQUIREMENTS FOR RUS TELECOMMUNICATIONS BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1770

Legal Deadline: None

Abstract: RUS proposes to revise subpart B, Uniform System of Accounts, to reflect changes to 47 CFR part 32, Uniform System of Accounts, by the Federal Communications Commission.

Timetable:

Action	Date	FR Cite
NPRM	05/10/04	69 FR 25848
NPRM Comment	07/09/04	
Period End		

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

265. SALE OR TRANSFER OF CAPITAL ASSETS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 to 950(b), 1981; PL 99-591; 100 Stat. 3341-16, PL 103-354

CFR Citation: 7 CFR 1717

Legal Deadline: None

Abstract: The RUS will amend 7 CFR 1717, subpart M, Operational Controls, to codify the regulatory policy and procedures of RUS Bulletin 115-1 "Sales of Capital Assets by Electric Borrowers." RUS is proposing this change to regulation as a part of its ongoing effort to minimize administrative burden, and update regulations to reflect current requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

USDA—RUS

Proposed Rule Stage

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

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 Fax: 202 720-4120
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RIN: 0572-AB84**266. HIGH ENERGY COST RURAL COMMUNITY GRANTS (SECTION 610 REVIEW)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 106-472; title III, sec 301, 7 USC 918a**CFR Citation:** 7 CFR 1709**Legal Deadline:** None

Abstract: This rule sets forth the policies and procedures for awarding grants to rural communities with very high energy costs. The grants may be used to acquire, construct, extend, upgrade, and otherwise improve energy

generation, transmission, or distribution facilities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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-AB91**267. • BROADBAND GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** title III, PL 108-199, Stat 3**CFR Citation:** 7 CFR 1739**Legal Deadline:** None

Abstract: The Rural Utilities Service is proposing regulations to administer the

Community Connect Grant Program for the provision of broadband transmission service in rural America. This proposed rule is intended to establish eligibility and application requirements, the review and approval process, and grant administration procedures for the Community Connect Grant Program.

Timetable:

Action	Date	FR Cite
NPRM	05/14/04	69 FR 26777
NPRM Comment Period End	06/14/04	

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

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RIN: 0572-AB94

Department of Agriculture (USDA)

Rural Utilities Service (RUS)

Final Rule Stage

268. TECHNICAL ASSISTANCE GRANTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005**CFR Citation:** 7 CFR 1775**Legal Deadline:** None

Abstract: RUS will amend the regulation to separate the technical assistance and training grant and solid waste management grant programs for clarification purposes and to bring the regulation in line with revisions to OMB circulars. Additionally, it eliminates the requirement that applicants submit a pre-application when applying for grant funds and transfers grant processing and servicing from the National Office to Rural Development State Offices.

Timetable:

Action	Date	FR Cite
NPRM	01/22/04	69 FR 3030
NPRM Comment Period End	03/22/04	
Final Action	08/00/04	

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-AB75**269. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION PURPOSES****Priority:** Other Significant**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 1720**Legal Deadline:** NPRM, Statutory, January 8, 2003.

Abstract: The Farm Security and Rural Investment Act of 2002 (Farm Bill) amends the Rural Electrification Act of 1936 to include section 313A: Guarantees For Bonds And Notes Issued For Electrification Or Telephone Purposes. The Farm Bill became law on May 13, 2002, and requires the Secretary of Agriculture to promulgate regulations that carry out the amendments within 180 days. Furthermore, the implementation of the amendments shall take effect no later than 240 days.

USDA—RUS

Final Rule Stage

The new section 313A: Guarantees for Bonds And Notes Issued For Electrification Or Telephone Purposes, states that the Secretary shall guarantee payments on bonds or notes issued by cooperative or other lenders organized on a not-for-profit basis. Section 313A provides limits to the amount of guarantees, the purpose for the guarantee, and qualifications of eligible lenders seeking a guarantee of a bond or note. The section also provides for a fee to be charged to lenders that receive a guarantee under section 313A, which will be deposited in the Rural Economic Development Subaccount.

The Rural Utilities Service (RUS) is proposing the development of rules that carry out the amendments made by section 313A. The rules will establish regulations that allow the Secretary to comply with the requirements outlined and set the limitations provided for in the Farm Bill.

Timetable:

Action	Date	FR Cite
NPRM	12/30/03	68 FR 75153
NPRM Comment Period End	03/01/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 0572-AB83

270. EXEMPTION OF CERTAIN BORROWERS FROM CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1901 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1717

Legal Deadline: None

Abstract: RUS is removing section 1717.656(a)(3) in its entirety. This section, which exempts certain borrowers from controls, became effective October 23, 1995. Effective January 29, 1996, RUS established new loan contract requirements that conflict

with this section. This administrative action is taken to eliminate confusion in the rule and provide consistency to the regulation.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/04	

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-AB85

271. ELECTRIC SYSTEM EMERGENCY RESTORATION PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1730

Legal Deadline: None

Abstract: The RUS will amend the CFR to establish RUS policy requiring Electric Program distribution and Generation and Transmission borrowers to expand their currently required Electric Restoration Plans to include Homeland Security concerns of preventive measures and emergency recovery from physical and cyber attacks to their electric systems and core businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/19/04	69 FR 12989
NPRM Comment Period End	05/03/04	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AB92

272. • HOUSEHOLD WATER SYSTEM PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 1776

Legal Deadline: None

Abstract: The Rural Utilities Service is issuing regulations to establish the Household Water System Program. This rule will establish a lending program from 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

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-AB93

273. • GRANT PROGRAM TO ESTABLISH A FUND FOR FINANCING WATER AND WASTE WATER PROJECTS (REVOLVING FUND PROGRAM (RFP))

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 1738

Legal Deadline: None

Abstract: The RUS is issuing a regulation to establish the Grant Program to Establish a Fund for Financing Water and Waste Water Project (Revolving Fund Program (RFP)) as authorized in Section 6002 to the

USDA—RUS

Final Rule Stage

Consolidated Farm and Rural Development Act (CONACT).

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AB95

**Department of Agriculture (USDA)
Rural Utilities Service (RUS)**

Completed Actions**274. SETTLEMENT OF DEBT**

Priority: Other Significant

CFR Citation: 7 CFR 1717

Completed:

Reason	Date	FR Cite
Withdrawn	04/21/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AB61

276. TELECOMMUNICATIONS PROGRAM SPECIFICATION

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1755

Completed:

Reason	Date	FR Cite
Withdrawn	04/23/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan
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RIN: 0572-AB69

278. SEISMIC SAFETY

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1792—C

Completed:

Reason	Date	FR Cite
Direct Final Rule	04/30/04	69 FR 23641
Comment Period End	06/01/04	
Direct Final Rule Effective	06/14/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan
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RIN: 0572-AB74

275. ELECTRIC PROGRAM STANDARD CONTRACT FORMS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1724; 7 CFR 1726; 7 CFR 1755

Completed:

Reason	Date	FR Cite
Final Action	02/13/04	69 FR 7105

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan
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RIN: 0572-AB67

277. GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED LOANS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1710

Completed:

Reason	Date	FR Cite
Withdrawn	04/21/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan
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RIN: 0572-AB72

279. LAUNCHING OUR COMMUNITIES ACCESS TO LOCAL TELEVISION ACT OF 2000

Priority: Other Significant

CFR Citation: 7 CFR 2200; 7 CFR 2201

Completed:

Reason	Date	FR Cite
Final Action	12/23/03	68 FR 74411

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan
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RIN: 0572-AB82

BILLING CODE 3410-15-S

Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

Final Rule Stage

**280. WETLAND CATEGORICAL
 MINIMAL EFFECTS EXEMPTIONS**

Priority: Other Significant

Legal Authority: 16 USC 3821

CFR Citation: 7 CFR 12

Legal Deadline: None

Abstract: The 1985 Farm Bill, as amended, gives producers a major incentive to conserve wetlands by tying eligibility for most USDA program benefits to conservation of wetlands. However, producers can convert wetlands based on available exemptions, including a minimal effect exemption. A minimal effect applies if the action, individually and cumulatively, will have minimal effect on the functional hydrological and biological value of the wetlands in the area. A categorical minimal effect is one that, when carried out, will always have a minimal effect on the hydrologic and biological functions of wetlands in the area. These activities will be identified on a regional basis.

Timetable:

Action	Date	FR Cite
Final Action	08/00/04	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Agency Contact: Bruce Julian, Watersheds and Wetlands Division, Department of Agriculture, Natural Resources Conservation Service, PO Box 2890, Washington, DC 20013-2890
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RIN: 0578-AA27

**281. EMERGENCY WATERSHED
 PROTECTION PROGRAM**

Priority: Economically Significant.
 Major under 5 USC 801.

Legal Authority: PL 81-516; 33 USC 701; PL 95-334; PL 104-127; 16 USC 2203

CFR Citation: 7 CFR 624

Legal Deadline: None

Abstract: A revision is necessary to incorporate changes in the program, which have resulted from the passage of the 1996 Farm Bill; to fulfill a desire to make the program more responsive and efficient; and to respond to concerns of the public and the Agency.

The rule is being reorganized and several items added.

Timetable:

Action	Date	FR Cite
NPRM	11/19/03	68 FR 65202
NPRM Comment Period End	01/20/04	
Final Action	08/00/04	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Agency Contact: Victor Cole, National EWP Leader, Department of Agriculture, Natural Resources Conservation Service, Room 6019-S, PO Box 2890, Washington, DC 20013
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RIN: 0578-AA30

**282. TECHNICAL SERVICE PROVIDER
 ASSISTANCE**

Priority: Other Significant

Legal Authority: 16 USC 3842

CFR Citation: 7 CFR 652

Legal Deadline: None

Abstract: Third Party Vendor assistance will allow producers to obtain technical services from the department or entities by a certification process. This process will distinguish between certification of an individual working under his or her own auspices and that of an organization such as a corporation or a public agency which has individuals working on its behalf. Certification of an individual means the individual has the requisite education and technical expertise to perform the technical services. Certification of an entity or public agency means that the organization may receive payment for the services provided by individuals working under its auspices, but the work must be performed or warranted by certified individuals and the organization must assume the liability for the quality of work performed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/02	67 FR 70119
Interim Final Rule Comment Period End	02/19/03	
Interim Final Rule Effective	03/01/03	
Interim Final Rule	03/24/03	68 FR 14131

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/23/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Sylvia Gillen, Coordinator, Technical Service Providers, Department of Agriculture, Natural Resources Conservation Service, Room 5205-S, PO Box 2890, Washington, DC 20013-2890
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RIN: 0578-AA35

**283. 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	
Final Action	09/00/04	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

Agency Contact: Martha Joseph, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, Room 6027-S, P.O. Box 2890, Washington, DC 20013
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RIN: 0578-AA36

USDA—NRCS

Final Rule Stage

284. 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	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Leslie Deavers, Watersheds and Wetlands Division,

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RIN: 0578-AA38

implemented, the regulations will ensure program participant confidence that proprietary information will not be released and disclosed and will ensure that the public benefits provided by the conservation programs will not be undermined.

Timetable:

Action	Date	FR Cite
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Dwight Halman, Deputy Chief for Management, Department of Agriculture, Natural Resources Conservation Service, P.O. Box 2890, Washington, DC 20013
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RIN: 0578-AA40

Department of Agriculture (USDA)

Long-Term Actions

Natural Resources Conservation Service (NRCS)

286. NRCS EQUITABLE RELIEF PROCEDURES

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

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0578-AA39

Department of Agriculture (USDA)

Completed Actions

Natural Resources Conservation Service (NRCS)

287. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION

Priority: Other Significant

CFR Citation: 7 CFR 12

Completed:

Reason	Date	FR Cite
Withdrawn	06/08/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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BILLING CODE 3410-16-S

Department of Agriculture (USDA)

Final Rule Stage

Office of Procurement and Property Management (OPPM)

288. • AGRICULTURAL ACQUISITION REGULATION (AGAR): UPDATES AND TECHNICAL CHANGES (AGAR CASE 2004-01)**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 40 USC 486(c)**CFR Citation:** 48 CFR 401 through 452**Legal Deadline:** None**Abstract:** The Department of Agriculture proposes to conduct a review of the AGAR to bring it up to date and to make sure correspondence with the Federal Acquisition Regulation

(FAR) is maintained. The Direct Final Rule will amend the AGAR to correct and update internal references to the FAR; to remove sections supplementing material that has been removed from the FAR; and to update designations of USDA offices, where the office designations have changed since 1998. The proposed changes will restore correspondence between FAR sections and AGAR sections.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Joseph 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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Department of Agriculture (USDA)

Completed Actions

Office of Procurement and Property Management (OPPM)

289. OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT (OPPM); UNIFORM PROCEDURES FOR THE ACQUISITION AND TRANSFER OF EXCESS FEDERAL PROPERTY**Priority:** Info./Admin./Other**CFR Citation:** 7 CFR 3200**Completed:**

Reason	Date	FR Cite
Direct Final Rule	12/30/03	68 FR 75107

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Kathleen N. Fay

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