



# Federal Register

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**Monday,  
December 13, 2004**

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**Part III**

**Department of  
Agriculture**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF AGRICULTURE (USDA)**

**DEPARTMENT OF AGRICULTURE**

**Office of the Secretary**

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

**9 CFR Chs. I-IV**

**36 CFR Ch. II**

**41 CFR Ch. 4**

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

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. 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:** October 12, 2004.

**Geraldine Broadway,**  
*Chief, Legislative and Regulatory Staff.*

**Agricultural Marketing Service—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
171	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) <b>(Reg Plan Seq No. 1)</b> .....	0581-AB97

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

**Agricultural Marketing Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
172	Quality Systems Verification Program (LS-02-10) .....	0581-AC12
173	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003) .....	0581-AC25
174	Plant Variety Protection Services (ST-02-02) .....	0581-AC31
175	National Organic Program: Amending the National List (TM-04-01), Crops and Processing .....	0581-AC35
176	Tobacco Inspection: Flue-Cured and Burley Tobacco; Importation Prohibitions and Tobacco Pesticide Residue Testing Requirements .....	0581-AC36
177	Honey Research and Promotion (Packer/Importer Board) .....	0581-AC37
178	National Organic Program: National List—Crops, Livestock, and Processing (TM-04-04) .....	0581-AC38

**Agricultural Marketing Service—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
179	Exemption of Organic Producers From Research and Promotion/Marketing Order Assessment (PY-02-006) .....	0581-AC15
180	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04) <b>(Reg Plan Seq No. 2)</b> .....	0581-AC26
181	Voluntary Shell Egg Grading Regulation—Facilities and Equipment (PY-03-005) .....	0581-AC33

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

**USDA****Agricultural Marketing Service—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
182	National Dairy Promotion and Research Program (DA-02-03) .....	0581-AC16

**Agricultural Marketing Service—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
183	Livestock Mandatory Reporting Program—Lamb Amendment (LS-01-08) .....	0581-AB98
184	Mango Promotion, Research, and Information Order (FV-01-707) .....	0581-AC05
185	Cotton Classification Services, User Fees for 2004 Crop (CN-03-007) .....	0581-AC34

**Farm Service Agency—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
186	Remove Tobacco Warehouse Designation Requirements .....	0560-AH13

**Farm Service Agency—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
187	Amendments to the Standards for Approval of Warehouses for Commodity Credit Corporation Storage Contracts .....	0560-AE50
188	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs .....	0560-AF60
189	Interest Assistance Program .....	0560-AG46
190	Ocean Freight Claims Administrative Appeal Process .....	0560-AG49
191	Tobacco Marketing Quota, Cards, Penalty Provisions, Recordkeeping and Reporting .....	0560-AG52
192	2002 Farm Bill Regulations—Assistance for Livestock Producers .....	0560-AG76
193	Revision of Indian Tribal Land Acquisition Program Loan Regulations .....	0560-AG87
194	Clarification of Informal Appeals Procedures .....	0560-AG88
195	Selection of FSA State and County Committees .....	0560-AG90
196	Environmental Compliance and Related Concerns .....	0560-AH02
197	Retaining Preferred Lender Program (PLP) Status, Processing Loss Claims, Payment of Interest Accrued During Bankruptcy, and Redemption Rights Periods for Guaranteed Loans .....	0560-AH07
198	Debt Collection, Debt Settlement, and Assignment of Payments .....	0560-AH09
199	Tobacco Marketing Quotas and Price Support .....	0560-AH14
200	Ewe Lamb Incentive Payment Program .....	0560-AH15
201	Payment Limitation and Payment Eligibility; Trade Adjustment Assistance for Farmers .....	0560-AH16
202	Disaster Declaration and Designation .....	0560-AH17
203	Nonrecourse Marketing Assistance Loan and Loan Deficiency Payment Regulations for Honey .....	0560-AH18
204	Planting Reporting for Tropical Crops—Noninsured Crop Disaster Assistance Program .....	0560-AH19
205	Designated Marketing Associations for Peanuts .....	0560-AH20
206	Policy for Certain Commodities Available for Sale .....	0560-AH22
207	Conservation Contract Debt Write-down .....	0560-AH23

**Farm Service Agency—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
208	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements .....	0560-AG53
209	Revision of Flexible Sugar Marketing Allotment Regulations .....	0560-AH08
210	Commodity Credit Corporation Procurement of Agricultural Commodities From HUBZone Small Businesses .....	0560-AH10

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## Farm Service Agency—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
211	Sugar Program Definitions .....	0560-AH21

## Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
212	Animal Welfare; Regulations and Standards for Birds, Rats, and Mice .....	0579-AB69
213	Revision of the Nursery Stock Regulations (Q.37) <b>(Reg Plan Seq No. 3)</b> .....	0579-AB85

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

Sequence Number	Title	Regulation Identifier Number
214	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs .....	0579-AB24
215	Karnal Bunt Compensation .....	0579-AB45
216	Methyl Bromide; Authorization as Official Quarantine Use .....	0579-AB54
217	Importation of Swine and Swine Products From the European Union .....	0579-AB79
218	Revision of Fruits and Vegetables Import Regulations (Q.56) .....	0579-AB80
219	Requirements for Requests To Amend 7 CFR Part 319 Import Regulations .....	0579-AB83

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

Sequence Number	Title	Regulation Identifier Number
220	Foot-and-Mouth Disease; Payment of Indemnity <b>(Reg Plan Seq No. 4)</b> .....	0579-AB34
221	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity <b>(Reg Plan Seq No. 5)</b> .....	0579-AB35
222	Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins ...	0579-AB47
223	Gypsy Moth; Interstate Movement of Regulated Articles <b>(Section 610 Review)</b> .....	0579-AB55
224	Bovine Spongiform Encephalopathy: Minimal Risk Regions and Importation of Commodities .....	0579-AB73
225	Karnal Bunt; Revision of Regulations for Importing Wheat .....	0579-AB74
226	Pine Shoot Beetle Host Material From Canada .....	0579-AB76
227	Importation of Clementines, Mandarins, and Tangerines From Chile .....	0579-AB77
228	Importation of Small Lots of Seed Without Phytosanitary Certificates .....	0579-AB78
229	Mexican Hass Avocado Import Program .....	0579-AB81
230	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements .....	0579-AB84
231	User Fees for Agricultural Quarantine and Inspection Services .....	0579-AB88

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

## Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
232	Plant Pest Regulations; Update of Current Provisions <b>(Section 610 Review)</b> .....	0579-AA80
233	Importation of Fuji Variety Apples From the Republic of Korea .....	0579-AA93
234	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
235	Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....	0579-AB26
236	Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....	0579-AB29
237	Importation of Milk and Milk Products From FMD Countries .....	0579-AB38

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

Sequence Number	Title	Regulation Identifier Number
238	Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species .....	0579-AB43
239	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program .....	0579-AB44
240	Cost-Sharing for Animal and Plant Health Emergency Programs .....	0579-AB50
241	Phytophthora Ramorum; Quarantine and Regulations .....	0579-AB82
242	Federal Measures to Mitigate BSE Risks: Considerations for Further Action .....	0579-AB86

## Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
243	Animal Welfare; Inspection, Licensing, and Procurement of Animals <b>(Completion of a Section 610 Review)</b> .....	0579-AA94
244	Importation of Unmanufactured Wood Articles From Mexico .....	0579-AB02
245	Pseudorabies in Swine; Payment of Indemnity .....	0579-AB10
246	Bees and Related Articles <b>(Section 610 Review)</b> .....	0579-AB20
247	Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity <b>(Completion of a Section 610 Review)</b> .....	0579-AB42
248	Importation of Solid Wood Packing Material; Adoption of International Standards .....	0579-AB48
249	Trichinae Certification Program .....	0579-AB52
250	Animal Welfare; Definition of Animal .....	0579-AB87

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

Sequence Number	Title	Regulation Identifier Number
251	CSREES Agricultural Research Formula Programs—Administrative Provisions .....	0524-AA27
252	CSREES Non-Formula Grant Programs—Administrative Provisions .....	0524-AA28
253	Guidelines for Hatch Multistate Research Fund .....	0524-AA29

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

Sequence Number	Title	Regulation Identifier Number
254	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
255	CSREES Agricultural Extension Formula Programs—Administrative Provisions .....	0524-AA26

## Cooperative State Research, Education, and Extension Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
256	Food and Agricultural Sciences National Needs Graduate and Postgraduate Fellowship Grants Program .....	0524-AA30

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## Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
257	Civil Rights Compliance Requirements—1901-E to 1940-D .....	0575-AA83
258	National Flood Insurance Regulations .....	0575-AC07
259	Servicing Community Programs Loans and Grants .....	0575-AC12
260	Self-Help Technical Assistance Grants .....	0575-AC20
261	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations .....	0575-AC27
262	3550 Regulation .....	0575-AC54
263	Planning and Performing Construction and Other Development .....	0575-AC55
264	Environmental Policies and Procedures .....	0575-AC56
265	Community Programs Guaranteed Loans .....	0575-AC58
266	Amend 3550 Regulation To Modify Existing Payment Assistance Formula .....	0575-AC59

## Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
267	Multi-Family Housing (MFH) Reinvention .....	0575-AC13
268	Guaranteed Single-Family Housing .....	0575-AC18
269	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation .....	0575-AC28
270	Servicing of Community and Direct Business Programs Loans and Grants—Workout Agreements .....	0575-AC57

## Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
271	General Administrative Regulations; Sanctions .....	0563-AB73
272	General Administrative Regulations; Actual Production History (APH) .....	0563-AB83

## Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
273	General Administrative Regulations; Nonstandard Underwriting Classification System .....	0563-AB66
274	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions .....	0563-AB80
275	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums .....	0563-AB84

## Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
276	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions .....	0563-AB76
277	Common Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions .....	0563-AB90
278	Common Crop Insurance Regulations; Pecan Revenue Crop Insurance Provisions .....	0563-AB91
279	Common Crop Insurance Regulations; Apple Crop Insurance Provisions .....	0563-AB92
280	Common Crop Insurance Regulations; Peanut Crop Insurance Provisions .....	0563-AB93
281	General Administrative Regulations; Basic Provisions .....	0563-AB94

## USDA

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

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

## Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
283	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program .....	0584-AB51
284	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....	0584-AD12
285	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....	0584-AD15
286	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ..	0584-AD25
287	Senior Farmers' Market Nutrition Program (SFMNP) ( <b>Reg Plan Seq No. 6</b> ) .....	0584-AD35
288	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions .....	0584-AD36
289	FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171 ( <b>Reg Plan Seq No. 7</b> ) .....	0584-AD37
290	Procurement Requirements for the National School Lunch, School Breakfast, and Special Milk Programs .....	0584-AD38
291	Child Nutrition Programs: National School Lunch Program; Serving Fruits and Vegetables as Afterschool Snacks	0584-AD40
292	WIC Farmers' Market Nutrition Program (FMNP): Funding Formula Rule .....	0584-AD41
293	FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns .....	0584-AD44
294	Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions, Including Contracts With Food Service Management Companies .....	0584-AD45
295	FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems .....	0584-AD48
296	Special Nutrition Programs: Fluid Milk Substitutions ( <b>Reg Plan Seq No. 8</b> ) .....	0584-AD58

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

## Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
297	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....	0584-AB10
298	Child and Adult Care Food Program: Improving Management and Program Integrity ( <b>Reg Plan Seq No. 9</b> ) .....	0584-AC24
299	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....	0584-AC37
300	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....	0584-AC72
301	FSP: Civil Rights Data Collections .....	0584-AC75
302	Commodity Supplemental Food Program (CSFP): Plain Language, Program Accountability, and Program Flexibility ( <b>Reg Plan Seq No. 10</b> ) .....	0584-AC84
303	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....	0584-AC95
304	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments ....	0584-AD16
305	Afterschool Snacks Under the Child and Adult Care Food Program .....	0584-AD27
306	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD28
307	FSP: High Performance Bonuses ( <b>Reg Plan Seq No. 11</b> ) .....	0584-AD29
308	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 12</b> ) .....	0584-AD30
309	FSP: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171 ( <b>Reg Plan Seq No. 13</b> ) .....	0584-AD31
310	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 14</b> ) .....	0584-AD32
311	Data Collection Related to Institutions, Organizations, Sites, and Facilities .....	0584-AD43
312	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Discretionary WIC Vendor Provisions in the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 .....	0584-AD47
313	Severe Need Assistance in the School Breakfast Program .....	0584-AD50
314	District-Wide Use of Provisions 2 and 3 .....	0584-AD51
315	Administrative Error Reduction in the School Meals Programs .....	0584-AD52
316	State Administrative Expenses .....	0584-AD53
317	Applying for Free and Reduced Price Meals in Schools .....	0584-AD54

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## Food and Nutrition Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
318	National School Lunch and School Breakfast Programs: Fluid Milk Requirement .....	0584-AD55
319	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Maximum Age for Children in Homeless Shelters That Participate in the CACFP .....	0584-AD56
320	National School Lunch Program: Marketing and Sales of Fluid Milk Products in Schools .....	0584-AD57
321	Nutrition Standards in the National School Lunch and School Breakfast Programs .....	0584-AD59
322	Direct and Discretionary Certification in the School Meals Programs ( <b>Reg Plan Seq No. 15</b> ) .....	0584-AD60
323	Revised Verification Procedures in the School Meals Programs .....	0584-AD61
324	Categorical Eligibility of Certain Migratory, Homeless, and Runaway Youth .....	0584-AD62
325	Waiver of the Requirement To Use Weighted Averages in the National School Lunch and School Breakfast Programs .....	0584-AD63
326	Food Safety Inspections, Audits, and Reports .....	0584-AD64
327	School Food Safety: Hazard Analysis and Critical Control Point System .....	0584-AD65
328	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: For-Profit Center Participation in the Child and Adult Care Food Program .....	0584-AD66
329	Implementing Provision From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Duration of Tiering Status of Day Care Homes in the Child and Adult Care Food Program .....	0584-AD67
330	Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child and Adult Care Food Program .....	0584-AD68
331	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Permanent Agreements for Day Care Home Providers in the Child and Adult Care Food Program .....	0584-AD69
332	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option for Schools Participating in the Summer Food Service Program .....	0584-AD70

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## Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
333	Food Stamp Program: Administrative Cost Reimbursement .....	0584-AC86
334	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94

## Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
335	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387 .....	0584-AD13

## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
336	Performance Standards for Pumped or Massaged Bacon ( <b>Reg Plan Seq No. 16</b> ) .....	0583-AC49
337	Egg Products Inspection Regulations ( <b>Reg Plan Seq No. 17</b> ) .....	0583-AC58
338	Labeling: Generic Approval and Regulation Consolidation .....	0583-AC59
339	Food Standards; General Principles and Food Standards Modernization ( <b>Reg Plan Seq No. 18</b> ) .....	0583-AC72
340	Performance Criteria for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
341	Petitions for Rulemaking .....	0583-AC81
342	Performance Standard for Chilling of Ready-To-Cook Poultry ( <b>Reg Plan Seq No. 19</b> ) .....	0583-AC87
343	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
344	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry .....	0583-AD02
345	Retail Exemption .....	0583-AD04



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

Sequence Number	Title	Regulation Identifier Number
346	Food Security Plans .....	0583-AD06
347	Accredited Laboratory Program .....	0583-AD09
348	Sharing of Firms' Distribution Lists of Retail Consignees During Meat or Poultry Product Recalls .....	0583-AD10
349	Requiring Industry E. Coli O157:H7 Test Results for Raw Beef Products Being Maintained in One Specific Location in the Establishment .....	0583-AD11

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## Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
350	Performance Standards for the Production of Processed Meat and Poultry Products ( <b>Reg Plan Seq No. 20</b> ) .....	0583-AC46
351	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products ( <b>Reg Plan Seq No. 21</b> ) .....	0583-AC60
352	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
353	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
354	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle ( <b>Reg Plan Seq No. 22</b> ) .....	0583-AC88
355	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States ....	0583-AC91
356	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems .....	0583-AD00
357	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle .....	0583-AD03
358	Uniform Compliance Date for Food Labeling Regulations .....	0583-AD05
359	Frequency of Foreign Inspection System Supervisory Visits to Certified Foreign Establishments .....	0583-AD08

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## Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
360	Beef or Pork With Barbecue Sauce; Revision of Standards .....	0583-AC09
361	Nutrition Labeling of Meat and Poultry Products ( <b>Completion of a Section 610 Review</b> ) .....	0583-AC95
362	Nutrition Labeling: Nutrient Content Claims on Multi-Serve, Meal-Type Meat and Poultry Products .....	0583-AD07

## Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
363	New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530 .....	0551-AA65
364	Quality Samples Program .....	0551-AA68

## Foreign Agricultural Service—Final Rule Stage

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

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## Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
366	CCC Supplier Credit Guarantee Program .....	0551-AA30
367	Facility Guarantee Program .....	0551-AA35

## Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
368	Indian Allotments on National Forest System Lands .....	0596-AA52
369	Species Surplus to Domestic Manufacturing Needs .....	0596-AB27
370	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....	0596-AB45
371	Law Enforcement Support Activities .....	0596-AB61
372	Noncompetitive Sale of Timber; Timber Substitution .....	0596-AB70
373	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....	0596-AB75
374	Forest Service Trails Accessibility Guidelines .....	0596-AB92
375	Forest Service Outdoor Recreation Accessibility Guidelines .....	0596-AB93
376	National Forest System Land Management Planning Directives (Proposed Directives, Forest Service Manual (FSM) 1920 and Forest Service Handbook (FSH) 1909.12) .....	0596-AC02
377	State Petitions for Inventoried Roadless Area Management ( <b>Reg Plan Seq No. 23</b> ) .....	0596-AC10
378	Grazing Permit Administration (Proposed Directives, Forest Service Handbook 2209.13, Chapters 10 and 20) .....	0596-AC12
379	National Forest System Appeals and Litigation (Proposed Directives, Forest Service Manual, Chapter 1570) .....	0596-AC13
380	Watershed Forestry Assistance Program .....	0596-AC18
381	Tribal Watershed Forestry Assistance Program .....	0596-AC19
382	Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations .....	0596-AC20
383	Predator Damage Management (Proposed Directive, Forest Service Manual, Chapter 2320) .....	0596-AC22
384	Recreation Event Fees (Proposed Directive, Forest Service Manual, Chapter 2720) .....	0596-AC24
385	Outfitter and Guide Special Use Authorizations (Proposed Directives, Forest Service Handbook 2709.11, Chapters 30 and 40) .....	0596-AC25
386	Secretary Determination That Domestic Species of Unprocessed Timber Are Surplus to Domestic Needs Within Zone of Southern California .....	0596-AC27
387	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities .....	0596-AC28

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

## Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
388	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts .....	0596-AB21
389	Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations .....	0596-AB36
390	Special Forest Products and Forest Botanical Products .....	0596-AB81
391	Determining Fair Market Value for Recreation Residence Use Authorizations .....	0596-AB83
392	National Forest System Land Management Planning ( <b>Reg Plan Seq No. 24</b> ) .....	0596-AB86
393	Community and Private Land Forest Fire Assistance Program .....	0596-AB96
394	Delegation of Authority To Approve Free Use by Individuals .....	0596-AC09
395	Travel Management, Designated Routes, and Areas for Motor Vehicle Use .....	0596-AC11
396	Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003 .....	0596-AC15
397	Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts .....	0596-AC16
398	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
399	Maximum Term for Outfitter/Guide Special Use Authorizations (Proposed Directive, Forest Service Handbook (FSH) 2709.11, Chapter 40) .....	0596-AC23
400	Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Interim Contracts) .....	0596-AC26

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

**USDA****Forest Service—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
401	Locatable Minerals .....	0596-AB98
402	Special Areas; Roadless Area Conservation; Applicability to National Forest System Lands in Alaska .....	0596-AC05
403	Climbing Bolts In Wilderness (Proposed Interim Directive, Forest Service Manual, Chapter 2320) .....	0596-AC21

**Forest Service—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
404	National Environmental Policy Act Documentation Needed for Certain Special Uses Permit Actions (Final Interim Directive to FSH 1909.15, Chapter 30) .....	0596-AB73
405	Land Uses; Special Uses Requiring Authorizations .....	0596-AB74
406	Sawtooth National Recreation Area-Private Lands; Increasing Residential Outbuilding Size .....	0596-AC00
407	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline for Site-Specific Projects .....	0596-AC01

**Office of the Secretary—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
408	General Nonprocurement Regulations .....	0503-AA21
409	Guidelines for Designating Biobased Products for Federal Reference .....	0503-AA26

**Office of the Secretary—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
410	Participation of Religious Organizations in USDA Programs .....	0503-AA27

**Rural Business-Cooperative Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
411	Affirmative Fair Housing Marketing Plan .....	0570-AA24
412	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock .....	0570-AA26
413	Rural Business Enterprise Grant Program .....	0570-AA28
414	Annual Renewal Fee .....	0570-AA34
415	Business and Industry Loan Program—Rewrite of Program Regulations .....	0570-AA41
416	National Security Emergency .....	0570-AA48
417	Renewable Energy Systems and Energy Efficiency Improvements .....	0570-AA50
418	Secondary Market Pooling by Fiscal Transfer Agent .....	0570-AA53
419	Business and Industry Guaranteed Loan Program—Implement the Debt Collection Improvement Act (DCIA) of 1996 .....	0570-AA54

**Rural Business-Cooperative Service—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
420	Rural Economic Development Loan and Grant Program .....	0570-AA19
421	Rural Business Investment Program .....	0570-AA35

## USDA

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

Sequence Number	Title	Regulation Identifier Number
422	Rural Business Enterprise Grant Program—Farm Bill Changes .....	0570-AA36
423	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria .....	0570-AA39
424	Intermediary Relending Program .....	0570-AA42
425	Fiscal Transfer Agent—Secondary Market Sales of Guaranteed Loans .....	0570-AA47
426	Tangible Net Equity .....	0570-AA49

## Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
427	Telecommunications Standards and Specifications for Materials, Equipment, and Construction .....	0572-AB40
428	Servicing of Water Programs Loans and Grants .....	0572-AB59
429	Special Equipment Contract (Not Including Installation), RUS Form 398 .....	0572-AB76
430	High Energy Cost Rural Community Grants ( <b>Section 610 Review</b> ) .....	0572-AB91
431	Elimination of Subpart M: Operational Controls .....	0572-AB97

## Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
432	Technical Assistance Grants .....	0572-AB75
433	Accounting Requirements for RUS Telecommunications Borrowers .....	0572-AB77
434	Exemption of Certain Borrowers From Controls .....	0572-AB85
435	Definition Clarification of State Nonmetropolitan Median Household Income (SNMHI) .....	0572-AB96

## Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
436	Guarantees for Bonds and Notes Issued for Electrification Purposes .....	0572-AB83
437	Sale or Transfer of Capital Assets .....	0572-AB84
438	Electric System Emergency Restoration Plan .....	0572-AB92
439	Household Water Well System Grant Program .....	0572-AB93
440	Broadband Grant Program .....	0572-AB94
441	Grant Program To Establish a Fund for Financing Water and Waste Water Projects (Revolving Fund Program (RFP)) .....	0572-AB95

## Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
442	Wetland Categorical Minimal Effects Exemptions .....	0578-AA27
443	Emergency Watershed Protection Program ( <b>Reg Plan Seq No. 25</b> ) .....	0578-AA30
444	Technical Service Provider Assistance ( <b>Reg Plan Seq No. 26</b> ) .....	0578-AA35
445	Conservation Security Program ( <b>Reg Plan Seq No. 27</b> ) .....	0578-AA36
446	Grassland Reserve ( <b>Reg Plan Seq No. 28</b> ) .....	0578-AA38
447	Confidentiality of Conservation Program Information ( <b>Reg Plan Seq No. 29</b> ) .....	0578-AA40

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

**USDA**

Natural Resources Conservation Service—Completed Actions

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

Office of Procurement and Property Management—Final Rule Stage

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

BILLING CODE 3410-90-S

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

**Prerule Stage**

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

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

**RIN:** 0581-AB97

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

**Proposed Rule Stage**

**172. 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 services within the scope of the Livestock and Seed Program; 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

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 56; 7 CFR 70

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is updating the administrative requirements for Federal voluntary egg, poultry, and rabbit grading. The regulations, in effect since the 1950s, contain some outdated terms, references, and phrases that need updating to make them current and clear.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Rex A. Barnes, Chief, Grading Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0258, Poultry Programs, 14th & Independence Avenue SW, Washington, DC 20090-6456

## USDA—AMS

## Proposed Rule Stage

Phone: 202 720-3271  
 Fax: 202 690-3165  
 Email: rex.barnes@usda.gov  
**RIN:** 0581-AC25

**174. PLANT VARIETY PROTECTION SERVICES (ST-02-02)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 2321; 7 USC 2401**CFR Citation:** 7 CFR 97**Legal Deadline:** None

**Abstract:** 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	04/00/05	

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

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

Phone: 301 504-5518

**RIN:** 0581-AC31**175. NATIONAL ORGANIC PROGRAM: AMENDING THE NATIONAL LIST (TM-04-01), CROPS AND PROCESSING****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6501**CFR Citation:** 7 CFR 205**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	01/00/05	

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

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

**RIN:** 0581-AC35**176. • TOBACCO INSPECTION: FLUE-CURED AND BURLEY TOBACCO; IMPORTATION PROHIBITIONS AND TOBACCO PESTICIDE RESIDUE TESTING REQUIREMENTS****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 proposed rule responds to a report issued by the General Accountability Office (GAO-03-485) titled "Pesticides on Tobacco-Federal Activities to Assess Risks and Monitor Residues," recommending that the U.S. Department of Agriculture 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 proposal would: (1) revise and expand the list of pesticides for which testing is conducted, and (2) revise the maximum allowable of pesticide residues on tobacco. Implementing the GAO recommendations with these proposed changes would 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-AC36**177. • HONEY RESEARCH AND PROMOTION (PACKER/IMPORTER BOARD)****Priority:** Routine and Frequent**Legal Authority:** 7 USC 7411 through 7425**CFR Citation:** 7 CFR 1212**Legal Deadline:** None

## USDA—AMS

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

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

Email: margaret.irby@usda.gov

**RIN:** 0581-AC37**178. • NATIONAL ORGANIC PROGRAM: NATIONAL LIST—CROPS, LIVESTOCK, AND PROCESSING (TM-04-04)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6501**CFR Citation:** 7 CFR 205**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS), National Organic Program (NOP) is amending the National List. The National List is the Federal list that identifies synthetic substances and ingredients that are allowed and non synthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. This proposed rule would amend the National List to reflect recommendations submitted to the

Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) from the April 28, 2004, NOSB meeting. Between the specified time period, the NOSB has recommended that the Secretary add substances to sections 205.601, 205.603, and 205.605 of the National List based on petitions received from industry participants. These substances were evaluated by the NOSB using the criteria specified in OFPA and NOP.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	02/00/05	

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

**Agency Contact:** Richard H. Mathews, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250

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Fax: 202 205-7808

Email: richard.mathews@usda.gov

**RIN:** 0581-AC38
**Department of Agriculture (USDA)**  
**Agricultural Marketing Service (AMS)**

## Final Rule Stage

**179. EXEMPTION OF ORGANIC PRODUCERS FROM RESEARCH AND PROMOTION/MARKETING ORDER ASSESSMENT (PY-02-006)****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	12/02/03	68 FR 67381
NPRM Comment Period End	01/02/04	
Comment Period End (ICB)	02/02/04	
Second NPRM	04/26/04	69 FR 22690
Second NPRM Comment Period End	05/26/04	
Second Comment Period End (ICB)	06/25/04	
Final Action	11/00/04	

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

## USDA—AMS

## Final Rule Stage

**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

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

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

**RIN:** 0581-AC26

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 56

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) reviewed the 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	06/02/04	69 FR 31039
NPRM Comment Period End	08/02/04	
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rex A. Barnes, Chief, Grading Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0258, Poultry Programs, 14th & Independence Avenue SW, Washington, DC 20090-6456  
Phone: 202 720-3271  
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**RIN:** 0581-AC33

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

## Long-Term Actions

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1150

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David Jamison  
Phone: 202 720-6909  
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**RIN:** 0581-AC16

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

## Completed Actions

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 59

**Completed:**

Reason	Date	FR Cite
Final Action	09/02/04	69 FR 53784
Final Action Effective	11/01/04	

**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  
Phone: 202 720-6231  
Fax: 202 690-3732

Email: john.vandyke@usda.gov

**RIN:** 0581-AB98

**184. MANGO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-707)**

**Priority:** Routine and Frequent

**CFR Citation:** 7 CFR 1206

**Completed:**

Reason	Date	FR Cite
Final Action	10/04/04	69 FR 59120

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0581-AC05

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 28

**Completed:**

Reason	Date	FR Cite
NPRM	04/26/04	69 FR 22458
Final Action	05/28/04	69 FR 30553
Final Action Effective	07/01/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Norma Randall McDill  
Phone: 202 720-3193  
Fax: 202 690-1718



## USDA—AMS

## Completed Actions

Email: norma.mcdill@usda.gov

RIN: 0581—AC34

BILLING CODE 3410—02—S

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

## Final Rule Stage

**186. 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	06/22/04	69 FR 34615
NPRM Comment Period End	07/22/04	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250—0572  
Phone: 202 205—5851  
Fax: 202 720—5233  
Email: tom.witzig@usda.gov

**RIN:** 0560—AH13

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

## Long-Term Actions

**187. 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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Fax: 202 720—5233  
Email: tom.witzig@usda.gov

**RIN:** 0560—AE50

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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

**189. INTEREST ASSISTANCE  
PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 762

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560—AG46

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 7; 7 CFR 18

**190. 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

**Agency Contact:** Tom Witzig  
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**RIN:** 0560—AG49

**191. 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

## USDA—FSA

## Long-Term Actions

Action	Date	FR Cite
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**192. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS****Priority:** Other Significant**CFR Citation:** 7 CFR 1439**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

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

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**RIN:** 0560-AG76**193. 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

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**RIN:** 0560-AG87**194. 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**195. SELECTION OF FSA STATE AND COUNTY COMMITTEES****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 7; 7 CFR 710**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-AG90**196. 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

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**RIN:** 0560-AH02**197. RETAINING PREFERRED LENDER PROGRAM (PLP) STATUS, PROCESSING LOSS CLAIMS, PAYMENT OF INTEREST ACCRUED DURING BANKRUPTCY, AND REDEMPTION RIGHTS PERIODS FOR GUARANTEED LOANS****Priority:** Other Significant**CFR Citation:** 7 CFR 762**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

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**RIN:** 0560-AH07**198. DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

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**Related RIN:** Previously reported as 0560-AF22**RIN:** 0560-AH09**199. TOBACCO MARKETING QUOTAS AND PRICE SUPPORT****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

## USDA—FSA

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AH14

### 200. EWE LAMB INCENTIVE PAYMENT PROGRAM

**Priority:** Other Significant

**CFR Citation:** 7 CFR 784

**Timetable:**

Action	Date	FR Cite
NPRM	09/07/04	69 FR 54 59
NPRM Comment Period End	10/08/04	
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

### 201. PAYMENT LIMITATION AND PAYMENT ELIGIBILITY; TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1400

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AH16

### 202. • DISASTER DECLARATION AND DESIGNATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1961; 7 USC 1989

**CFR Citation:** 7 CFR 791; 7 CFR 1945

**Legal Deadline:** None

**Abstract:** This rule moves the regulations currently located in Subpart A of 7 CFR part 1945 to 7 CFR part 791. This change will move regulations used by the Farm Service Agency (FSA) from chapter XVIII of the Code of Federal Regulations, formerly used by the predecessor to FSA, the Farmers Home Administration, to chapter VII, the chapter where most FSA rules are promulgated. This rule also clarifies and simplifies procedures for identifying disaster areas, reorganizes provisions in a more logical manner, and removes administrative provisions. The intent of this rule is to update regulations to match the current USDA structure.

**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-AH17

### 203. • NONRECOURSE MARKETING ASSISTANCE LOAN AND LOAN DEFICIENCY PAYMENT REGULATIONS FOR HONEY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 7931

**CFR Citation:** 7 CFR 1434

**Legal Deadline:** None

**Abstract:** This interim final rule amends the regulations governing the Honey Nonrecourse Marketing Assistance Loan (MAL) and Loan Deficiency Payment (LDP) Programs of the Commodity Credit Corporation (CCC). This rule allows honey pledged as collateral for securing an MAL or to be eligible for an LDP to be stored in CCC-approved, five-gallon plastic storage containers, in addition to the plastic Intermediate Bulk Containers already allowed, metal containers, and steel containers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/25/04	69 FR 52167
Interim Final Rule Comment Period End	10/25/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

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**RIN:** 0560-AH18

### 204. • PLANTING REPORTING FOR TROPICAL CROPS—NONINSURED CROP DISASTER ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 7333

**CFR Citation:** 7 CFR 1437

**Legal Deadline:** None

**Abstract:** The Commodity Credit Corporation will amend 7 CFR section 1437.7(c) to provide that producers of crops in tropical areas do not have to report every planting period. The affected producers will be required to maintain a contemporaneous record of when and where the specific crop is planted and when harvested. This change will reduce producer travel to the agency offices for reporting. The record will be used to determine the crops vulnerable to loss at the time of the disaster event. This will provide a more accurate loss measure for the agency to use in determining eligibility for NAP assistance.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency,

## USDA—FSA

## Long-Term Actions

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**RIN:** 0560-AH19

### 205. • DESIGNATED MARKETING ASSOCIATIONS FOR PEANUTS

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

**Legal Authority:** 7 USC 7857

**CFR Citation:** 7 CFR 1421

**Legal Deadline:** None

**Abstract:** This rule will provide regulations for DMA responsibilities, prohibited activities, CCC authority and responsibilities, application and approval, financial security, processing of MAL and LDP requests, fees and other requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** 111992 Peanut Farming

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**RIN:** 0560-AH20

### 206. • POLICY FOR CERTAIN COMMODITIES AVAILABLE FOR SALE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 7285

**CFR Citation:** 7 CFR 1402

**Legal Deadline:** None

**Abstract:** This action will update the regulations regarding the dissemination of general sales offering information to reflect current sales policies. 7 CFR part 1402 provides policy for the sale of certain commodities. Section 1402.1 provides that "...CCC will disseminate general sales offering information in the CCC Sales List, which is published in press release form. The CCC Sales List will be revised and republished as necessary." The methods of disseminating sales offering information have evolved with better technology, including inventory listings on CCC's Commodity Operations website (<http://www.fsa.usda.gov/daco/catalogs.htm>) and the capability for cotton buyers to purchase CCC-owned cotton (including transfer of title) through an on-line, web-based system. This action will have no budget impact.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572  
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**RIN:** 0560-AH22

### 207. • CONSERVATION CONTRACT DEBT WRITE-DOWN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1989; 7 USC 1997; 7 USC 1932; 31 USC 3716

**CFR Citation:** 7 CFR 1951; 7 CFR 766

**Legal Deadline:** None

**Abstract:** The Conservation Contract Program, also known as Debt for Nature, will be revised to clarify, correct and expand on the land eligibility, loan-type eligibility, responsibilities of participating agencies, required inspections by FSA, participation with and relationship to other programs, valuation of the land considered in calculating the debt write-down, and penalties for violations of the contract.

**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

**Agency Contact:** Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0560-AH23

**Department of Agriculture (USDA)**  
**Farm Service Agency (FSA)**
**Completed Actions**
**208. 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**Completed:**

Reason	Date	FR Cite
Final Action	07/27/04	69 FR 34615

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

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**RIN:** 0560-AG53
**209. REVISION OF FLEXIBLE SUGAR MARKETING ALLOTMENT REGULATIONS**
**Priority:** Other Significant**CFR Citation:** 7 CFR 1435**Completed:**

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 39811
Correction	08/11/04	69 FR 48765

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

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**RIN:** 0560-AH08
**210. COMMODITY CREDIT CORPORATION PROCUREMENT OF AGRICULTURAL COMMODITIES FROM HUBZONE SMALL BUSINESSES**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1402**Completed:**

Reason	Date	FR Cite
Withdrawn	06/01/04	

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

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**RIN:** 0560-AH10
**211. • SUGAR PROGRAM DEFINITIONS**
**Priority:** Info./Admin./Other**Legal Authority:** 7 USC 7272**CFR Citation:** 7 CFR 1435**Legal Deadline:** None

**Abstract:** The Commodity Credit Corporation will amend the definitions of "ability to market" and "market" in 7 CFR section 1435.2. The attachment to this workplan contains a detailed description of the planned change. These changes cause no increase in the costs or risks of the program and they are not controversial or politically sensitive.

**Timetable:**

Action	Date	FR Cite
Final Action	09/13/04	69 FR 55061

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

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**RIN:** 0560-AH21**BILLING CODE** 3410-05-S
**Department of Agriculture (USDA)**  
**Animal and Plant Health Inspection Service (APHIS)**
**Prerule Stage**
**212. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS, RATS, AND MICE**
**Priority:** Other Significant**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 2 to 3**Legal Deadline:** None

**Abstract:** The Farm Security and Rural Investment Act of 2002 amended the definition of "animal" in the Animal Welfare Act (AWA) by specifically excluding birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research. On June 4, 2004, we published in the Federal Register, a final rule that amended the definition of animal in our regulations to be consistent with the definition of animal in the AWA. In that same

edition of the Federal Register, we also published an advance notice of proposed rulemaking (ANPRM) that announced our intention to extend enforcement of the AWA to birds other than birds bred for use in research and solicited comments from the public to help determine how we should regulate the care and use of those animals. In addition, in our ANPRM, we also solicited comments from the public to help us determine if we should continue to regulate the handling, care, treatment, and transportation of rats and mice covered by the Act under the general standards in the regulations or if we should establish specific standards for them. When we determine how to regulate birds not bred for use in research and what, if any, specific standards should be

established for covered rats and mice, we will publish a proposed rule for public comment in the Federal Register. Any changes to our Animal Care program that may result from such a proposal will be addressed in that document.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No

## USDA—APHIS

Prerule Stage

**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, Unit 84, Riverdale, MD 20737  
Phone: 301 734-7586

**Related RIN:** Related to 0579-AB87**RIN:** 0579-AB69**213. REVISION OF THE NURSERY STOCK REGULATIONS (Q.37)**

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

**RIN:** 0579-AB85

## Department of Agriculture (USDA)

Proposed Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**214. 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	06/00/05	

**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**215. KARNAL BUNT COMPENSATION****Priority:** Other Significant**Legal Authority:** 7 USC 7701 to 7712**CFR Citation:** 7 CFR 301**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561

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

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

**Related RIN:** Related to 0579-AA83**RIN:** 0579-AB45**216. METHYL BROMIDE; AUTHORIZATION AS OFFICIAL QUARANTINE USE****Priority:** Other Significant**Legal Authority:** 7 USC 7719**CFR Citation:** 7 CFR 304**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

## USDA—APHIS

## Proposed Rule Stage

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	08/12/04	69 FR 49824
NPRM Comment Period End	10/12/04	
NPRM Comment Period Extended	10/12/04	69 FR 60567
NPRM Comment Period End	11/12/04	
Final Action	06/00/05	

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

**RIN:** 0579-AB54

**217. IMPORTATION OF SWINE AND SWINE PRODUCTS FROM THE EUROPEAN UNION**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** Federal

**Additional Information:** APHIS documents published in the Federal Register and related information, 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>.

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Phone: 301 734-4356

**RIN:** 0579-AB79

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This rule would revise and reorganize the regulations pertaining to the importation of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references,

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**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, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 118, Riverdale, MD 20737-1238  
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**RIN:** 0579-AB80

## USDA—APHIS

## Proposed Rule Stage

**219. 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:** This rule would establish regulations governing the submission of requests for changes in our regulations that restrict the importation of plants, plant parts, and plant products. Despite existing non-regulatory guidance on the submission of requests, few applicants provide the basic information we need to properly consider their requests. If

adopted, this rule 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 a proposed change to the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/04	69 FR 62833
NPRM Comment Period End	12/27/04	

**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

## Department of Agriculture (USDA)

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## Animal and Plant Health Inspection Service (APHIS)

**220. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY**

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

**RIN:** 0579-AB34

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	11/00/04	

**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, Animals, Organisms and Vectors, and Select Agents, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231 Phone: 301 734-5960

Dr. Charles L. Divan, Senior Agricultural Microbiologist, Pest Permit Evaluations, Biological and Technical Services, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1236 Phone: 301 734-8758

**RIN:** 0579-AB47**222. 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

**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

**223. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to 7754; 7 USC 7760; 21 USC 136 to 136a**CFR Citation:** 7 CFR 301; 7 CFR 319**Legal Deadline:** None

**Abstract:** This rule would amend the gypsy moth regulations by removing restrictions on the interstate movement of wood chips, which do not pose a



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risk of containing gypsy moth egg masses, and by adding restrictions on the movement and importation of bark and bark products, which pose a risk of containing gypsy moth egg masses. In addition, the rule would extend by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by the Animal and Plant Health Inspection Service, our cooperators, and industry in order to limit the artificial spread of gypsy moth.

**Timetable:**

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

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

**RIN:** 0579–AB55**224. BOVINE SPONGIFORM ENCEPHALOPATHY: MINIMAL RISK REGIONS AND IMPORTATION OF COMMODITIES****Priority:** Economically Significant. Major under 5 USC 801.**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 95**Legal Deadline:** None

**Abstract:** This rulemaking would amend the regulations regarding the importation of animals and animal products to recognize a category of regions that present a minimal risk of introducing bovine encephalopathy (BSE) into the United States via live ruminants and ruminant products and would add Canada to this category.

**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	00/00/05	

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

**Additional Information:** APHIS documents published in the Federal Register and related information, 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. Karen A. James–Preston, Director, Technical Trade Services Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737

Phone: 301 734–4356

**RIN:** 0579–AB73**225. 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 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 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.

**Timetable:**

Action	Date	FR Cite
NPRM	03/03/04	69 FR 9976
NPRM Comment Period End	05/03/04	
Final Action	11/00/04	

**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: 301 734–6653

**RIN:** 0579–AB74**226. 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

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

**Timetable:**

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

**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

## 227. 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 will 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 will 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	
Final Action	03/00/05	

**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:** 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: 301 734-6653

**RIN:** 0579-AB77

## 228. IMPORTATION OF SMALL LOTS OF SEED WITHOUT PHYTOSANITARY CERTIFICATES

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the nursery stock regulations to allow the importation of small lots of seed under an import permit with specific conditions as an alternative to the current phytosanitary certificate requirement. This proposed change is necessary because several entities that import small lots of seed—individual importers, horticultural societies, arboreta, and small businesses—have had difficulty obtaining the necessary certificates and have been adversely

affected by the phytosanitary certificate requirement. The proposed change would make it feasible for those entities to import small lots of seed and would ensure prompt and consistent service for such importers while continuing to protect against the introduction of plant pests into the United States and providing the Animal and Plant Inspection Service with necessary information about the quality, quantity, and diversity of the imported material.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/04	69 FR 23451
NPRM Comment Period End	06/28/04	
Final Action	02/00/05	

**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, 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

## 229. 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; sec 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 final rule will 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 final rule will

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also allow the distribution of the avocados during all months of the year. To reflect these changes, we will 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 taking this action in response to a request from the Government of Mexico and based on our finding that the phytosanitary measures described in this final 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	
Final Action	11/00/04	
Final Action Effective	01/00/05	

**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:** 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: 301 734-4382

**RIN:** 0579-AB81

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8317

**CFR Citation:** 9 CFR 71

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the regulations regarding the interstate movement of animals to

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52451
NPRM Comment Period End	10/25/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** APHIS documents published in the Federal Register and related information, 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 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

### 231. ● USER FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES

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

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

**CFR Citation:** 7 CFR 354

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/04	
Interim Final Rule Comment Period End	02/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** APHIS documents published in the Federal Register and related information, 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:** Jennifer Lemly, Staff Officer, Quarantine Policy, Analysis and Support Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 60, Riverdale, MD 20737-1232  
Phone: 301 734-5901

## USDA—APHIS

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Donna Ford, Branch Chief, Financial Services Branch, FMD, MRPBS, Department of Agriculture, Animal and

Plant Health Inspection Service, Unit 140, 4700 River Road, Unit 54, Riverdale, MD 20737-1232

Phone: 301 734-5901

RIN: 0579-AB88

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

**Long-Term Actions**

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 330

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Flanders  
Phone: 301 734-5930

RIN: 0579-AA80

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 319.56-2cc

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/00	65 FR 24423
NPRM Comment Period End	06/26/00	
NPRM Comment Period Extended	08/22/00	65 FR 50937
NPRM Comment Period End	10/23/00	
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Karen Bedigian  
Phone: 301 734-4382

RIN: 0579-AA93

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

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Karen Bedigian  
Phone: 301 734-4382

RIN: 0579-AB18

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

**Priority:** Other Significant

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

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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

RIN: 0579-AB26

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/20/02	67 FR 7583
Interim Final Rule Comment Period End	04/22/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Terry Beals  
Phone: 405 427-2998

RIN: 0579-AB29

**237. IMPORTATION OF MILK AND  
MILK PRODUCTS FROM FMD  
COUNTRIES**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 94

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

RIN: 0579-AB38

**238. 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		

## USDA—APHIS

## Long-Term Actions

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Lisa Ferguson

Phone: 301 734-8073

RIN: 0579-AB43

**239. 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: 301 734-4356

RIN: 0579-AB44

**240. 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	11/07/03	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected:

Undetermined

Agency Contact: Kevin Shea

Phone: 202 720-8015

RIN: 0579-AB50

**241. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS**

Priority: Other Significant

CFR Citation: 7 CFR 301

Timetable: Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Local, State

Agency Contact: Jonathan Jones

Phone: 301 734-8247

RIN: 0579-AB82

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

Priority: Other Significant

CFR Citation: 9 CFR 50 to 85

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: S. Anne Goodman

Phone: 301 734-4356

RIN: 0579-AB86

## Department of Agriculture (USDA)

## Completed Actions

## Animal and Plant Health Inspection Service (APHIS)

**243. ANIMAL WELFARE; INSPECTION, LICENSING, AND PROCUREMENT OF ANIMALS (COMPLETION OF A 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 makes several amendments to the Animal Welfare Act regulations to clarify them and improve their enforceability. In addition, it amends 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	10/03/00	
Period End		

Action	Date	FR Cite
NPRM Comment	10/19/00	65 FR 62650
Period Reopened and Extended		
NPRM Comment	11/20/00	
Period End		
Final Action	07/14/04	69 FR 42089
Final Action Effective	08/13/04	

**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:** 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

**244. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES FROM MEXICO**

Priority: Other Significant

CFR Citation: 7 CFR 319

**Completed:**

Reason	Date	FR Cite
Final Action	08/26/04	69 FR 52409
Final Action Effective	09/27/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Hesham A. Abuelnaga

Phone: 301 724-6799

RIN: 0579-AB02

## USDA—APHIS

## Completed Actions

**245. PSEUDORABIES IN SWINE; PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	10/12/04	69 FR 60542

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Adam G. Grow  
Phone: 301 734-3752**RIN:** 0579-AB10**246. BEES AND RELATED ARTICLES (SECTION 610 REVIEW)****Priority:** Other Significant**CFR Citation:** 7 CFR 319; 7 CFR 322**Completed:**

Reason	Date	FR Cite
Final Action	10/21/04	69 FR 61735
Final Action Effective	11/22/04	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Wayne Wehling  
Phone: 301 734-8757**RIN:** 0579-AB20**247. BRUCELLOSIS IN SHEEP, GOATS, AND HORSES; PAYMENT OF INDEMNITY (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8316**CFR Citation:** 9 CFR 51**Legal Deadline:** None

**Abstract:** This rule amended the brucellosis indemnity regulations to allow us to pay indemnity for sheep, goats, and horses destroyed because of brucellosis. This action makes 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

Action	Date	FR Cite
NPRM Comment Period End	11/13/01	
Final Action	07/13/04	69 FR 41909
Final Action Effective	08/12/04	

**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**248. IMPORTATION OF SOLID WOOD PACKING MATERIAL; ADOPTION OF INTERNATIONAL STANDARDS****Priority:** Other Significant**CFR Citation:** 7 CFR 319**Completed:**

Reason	Date	FR Cite
Final Action	09/16/04	69 FR 55719
Final Action Effective	09/16/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** William Aley  
Phone: 301 734-5057**RIN:** 0579-AB48**249. TRICHINAE CERTIFICATION PROGRAM****Priority:** Other Significant**CFR Citation:** 9 CFR 149; 9 CFR 160 to 161**Completed:**

Reason	Date	FR Cite
Withdrawn	09/20/04	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Dave Pyburn  
Phone: 515 284-4122**RIN:** 0579-AB52**250. ● 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 birds 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 the 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 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 Action	06/04/04	69 FR 31513
Final Action Effective	06/05/04	

**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>.

## USDA—APHIS

## Completed Actions

**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, Unit 84, Riverdale, MD 20737

Phone: 301 734-7586

**Related RIN:** Previously reported as 0579-AB69

**RIN:** 0579-AB87

**BILLING CODE** 3410-34-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

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

**251. 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

**252. 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	12/00/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Erin Daly, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299

Phone: 202 401-3319

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Email: edaly@reeusda.gov

**RIN:** 0524-AA28

**253. GUIDELINES FOR HATCH MULTISTATE RESEARCH FUND**

**Priority:** Other Significant

**Legal Authority:** 7 USC 361c

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janet Downey, Staff Accountant, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Waterfront Centre, 800 9th Street SW, Washington, DC 20024

Phone: 202 205-0453

Fax: 202 401 3481

Email: jdowney@csrees.usda.gov

**RIN:** 0524-AA29

**Department of Agriculture (USDA)**  
**Cooperative State Research, Education, and Extension Service (CSREES)**

**Final Rule Stage**

**254. 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	12/00/04	

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

**Long-Term Actions**

**255. 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

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Email: edanus@reeusda.gov

**RIN:** 0524-AA26

**Department of Agriculture (USDA)**  
**Cooperative State Research, Education, and Extension Service (CSREES)**

**Completed Actions**

**256. • FOOD AND AGRICULTURAL SCIENCES NATIONAL NEEDS GRADUATE AND POSTGRADUATE FELLOWSHIP GRANTS PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 3152(b)(6)

**CFR Citation:** 7 CFR 3402

**Legal Deadline:** None

**Abstract:** The Cooperative State Research, Education, and Extension Service (CSREES) proposes to revise administrative provisions for the Food and Agricultural Sciences National

Needs Graduate Fellowship Grants Program. The revisions would relax constraints that are causing grantees to return unexpended funds to CSREES and allow the Agency to provide support for Postdoctoral Fellows.

**Timetable:**

Action	Date	FR Cite
Final Action	10/26/04	69 FR 62536

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Erin Daly, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Office of External Programs, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299

Phone: 202 401-3319

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Email: edaly@csrees.usda.gov

**RIN:** 0524-AA30

**BILLING CODE** 3410-09-S

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

**Proposed Rule Stage**

**257. 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



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Housing Act); section 504 Federally Conducted and Federally Assisted Programs; title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; and Executive Orders 11246 and 12898 (Environmental Justice). The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws, which heavily impact the Agency's programs. Mechanisms for monitoring compliance by field offices and recipients of Federal financial assistance at all levels will decrease the Agency's vulnerability that exists due to noncompliance with recently enacted Civil Rights legislation.

**Timetable:**

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

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

Undetermined

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

**RIN:** 0575-AA83**258. 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	02/00/05	
NPRM Comment Period End	04/00/05	

**Regulatory Flexibility Analysis****Required:** Yes

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

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

**Agency Contact:** Linda Rodgers, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, STOP 0761, Room 6900, Washington, DC 20250-0761

Phone: 202 720-9647

Email: linda.rodgers@usda.gov

**RIN:** 0575-AC07**259. SERVICING COMMUNITY PROGRAMS LOANS AND GRANTS****Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The Agency will consolidate seven regulations containing Community Facility (CF) servicing information into one, streamlined regulation. The Agency will also make changes to improve the servicing options available to CF borrowers. The goal is to work with borrowers to enable them to continue operating and providing essential community services to rural residents. This consolidation and the proposed changes will improve service to borrowers and will ensure that the Government's investment is protected and maximized. The proposed action will have no financial impact on the public or the Agency. The consolidation and revisions of these regulations will be in the best interest of the Government and the public.

**Timetable:**

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

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

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

**RIN:** 0575-AC12**260. SELF-HELP TECHNICAL ASSISTANCE GRANTS****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1944; 7 CFR 3551

**Legal Deadline:** None

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

**Timetable:**

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

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

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

**RIN:** 0575-AC20**261. COMMUNITY FACILITIES DIRECT LOAN PROGRAM—CONSOLIDATE, SIMPLIFY, AND UPDATE REGULATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1926

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## Proposed Rule Stage

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

**Legal Deadline:** None

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

**Timetable:**

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

**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

**262. 3550 REGULATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1472

**CFR Citation:** 7 CFR 3550

**Legal Deadline:** None

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

**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:** Janet Carter, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0783, Washington, DC 20250-0783  
Phone: 202 720-1489  
Fax: 202-690-0702  
Email: janet.carter@usda.gov

**RIN:** 0575-AC54

**263. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT**

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

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 720-9651

Fax: 202 690-4335

Email: keith.suerdieck@usda.gov

**RIN:** 0575-AC55

**264. ENVIRONMENTAL POLICIES AND PROCEDURES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Rodgers, Technical Support Branch Chief,

## USDA—RHS

## Proposed Rule Stage

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

### 265. • COMMUNITY PROGRAMS GUARANTEED LOANS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 3575, subpart A

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kendra L. Doedderlein, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0787, Washington, DC 20250-0787  
Phone: 202 720-1503  
Fax: 202-690-0471  
Email: kendra.doedderlein@usda.gov

RIN: 0575-AC58

### 266. • AMEND 3550 REGULATION TO MODIFY EXISTING PAYMENT ASSISTANCE FORMULA

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In 1996, a new payment assistance formula was implemented to provide assistance to Rural Housing Service customers to make homeownership affordable through the section 502 Direct Loan Program. No analysis has been conducted on the formula and its actual impacts since the change was implemented. Anecdotal information reveals that the formula

may result in disparate treatment for some customers, especially those in the more rural counties. In addition, the formula is complex and difficult to explain to customers and partners. USDA has contracted for a study of the formula to determine the extent of disparate or unintended borrower treatments/consequences of the existing formula and develop more equitable and simplified alternatives to provide payment assistance to our customers without increasing the cost of the program to the Government. The Agency intends to solicit public comments on potential alternatives to the current formula and to publish proposed and final rule changes to the formula.

**Timetable:**

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

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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

RIN: 0575-AC59

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

## Final Rule Stage

### 267. 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	

## USDA—RHS

## Final Rule Stage

**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

**Related RIN:** Merged with 0575–AC24**RIN:** 0575–AC13

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

**RIN:** 0575–AC18

**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**268. GUARANTEED SINGLE–FAMILY HOUSING****Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 3555; 7 CFR 1980, subpart D**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124
NPRM Comment Period End	02/14/00	
Final Action	06/00/05	

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

**Agency Contact:** Roger Glendenning, Deputy Director, Guaranteed Loan

**269. GUARANTEED RURAL RENTAL HOUSING PROGRAM—SECONDARY MORTGAGE MARKET PARTICIPATION****Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 3565**Legal Deadline:** None

**Abstract:** Section 538 of title V of the Housing Act of 1949 authorizes USDA to make commitments to guarantee loans for the development of housing and related facilities. By this authority, the Rural Housing Service (RHS) administers the Guaranteed Rural Rental Housing Program. The RHS, through consultation with industry and government experts in the loan guarantee field, has identified barriers to the success of the program. In the case of default, regulations will be revised to allow for a timely payment to the investor. In addition, lenders will be allowed to submit a claim for “estimated” losses.

**Timetable:**

Action	Date	FR Cite
NPRM	06/10/03	68 FR 34552
NPRM Comment Period End	08/11/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**270. 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	
Final Action	11/00/04	
Final Action Effective	12/00/04	

**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 Avenue SW, STOP 0787, Washington, DC 20250–0787  
Phone: 202 720–9700  
Fax: 202–690–0471  
Email: dan.spieldenner@usda.gov

**RIN:** 0575–AC57**BILLING CODE** 3410–XV–S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Federal Crop Insurance Corporation (FCIC)

**271. 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

## USDA—FCIC

## Proposed Rule Stage

sanctionable offenses, and the evidentiary standards to be followed.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Crockett, Sanction Officer, Department of Agriculture, Federal Crop Insurance Corporation, 430 G Street, Suite 4167, Davis, CA 95616-4167  
Phone: 530 792-5864

**RIN:** 0563-AB73

**272. 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	11/00/04	

**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

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

## Final Rule Stage

**273. GENERAL ADMINISTRATIVE REGULATIONS; NONSTANDARD UNDERWRITING CLASSIFICATION SYSTEM**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

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

The Advanced Notice of Proposed Rulemaking that was published in the Federal Register in September 1997 sought comments from the public on options to improve NCS. Twenty-two comments were received in response to

the advanced notice. RMA decided to replace NCS with a process that charged appropriate rates for those producers with adverse loss experience and less than average production histories.

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

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB66

**274. 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

## USDA—FCIC

## Final Rule Stage

**Abstract:** The purpose of this proposed rule is to solicit public comments on FCIC's proposed action to revise the Nursery Crop Provisions for the 2006 crop year to: Specify that container grown and field grown plants are separate crops, provide optional units by location for field grown nursery plants, incorporate the "lower of" rule into section 6 of the provisions, permit insureds to purchase insurance coverage on a year-round basis, and incorporate provisions to provide a rehabilitation payment for plants damaged by an insured cause of loss.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/04	69 FR 48166
NPRM Comment Period End	10/08/04	
Final Action	04/00/05	

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

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

**RIN:** 0563-AB80**275. 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	02/00/05	

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

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

**RIN:** 0563-AB84

## Department of Agriculture (USDA)

## Completed Actions

## Federal Crop Insurance Corporation (FCIC)

**276. COMMON CROP INSURANCE REGULATIONS; BLUEBERRY CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	08/25/04	69 FR 52151
Final Action Effective	08/30/04	

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

**Agency Contact:** Timothy Hoffmann  
Phone: 816 926-7743

**RIN:** 0563-AB76**277. COMMON CROP INSURANCE REGULATIONS; PROCESSING TOMATO CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	07/27/04	69 FR 44575
Final Action Effective	08/26/04	

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

**Agency Contact:** Timothy Hoffmann  
Phone: 816 926-7743

**RIN:** 0563-AB90**278. COMMON CROP INSURANCE REGULATIONS; PECAN REVENUE CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	08/25/04	69 FR 52157
Final Action Effective	08/30/04	

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

**Agency Contact:** Timothy Hoffmann  
Phone: 816 926-7743

**RIN:** 0563-AB91

## USDA—FCIC

## Completed Actions

**279. COMMON CROP INSURANCE REGULATIONS; APPLE CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	08/27/04	69 FR 52583
Final Action Effective	08/30/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann  
Phone: 816 926-7743**RIN:** 0563-AB92**280. COMMON CROP INSURANCE REGULATIONS; PEANUT CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
NPRM	05/17/04	69 FR 27864
Final Action	10/29/04	69 FR 63041
Final Action Effective	11/29/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann  
Phone: 816 926-7743**RIN:** 0563-AB93**281. GENERAL ADMINISTRATIVE REGULATIONS; BASIC PROVISIONS****Priority:** Other Significant**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	08/10/04	69 FR 48652
Final Action Effective	08/30/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann  
Phone: 816 926-7743**Related RIN:** Related to 0563-AB85**RIN:** 0563-AB94

BILLING CODE 3410-08-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

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

**282. 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

BILLING CODE 3410-EN-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Food and Nutrition Service (FNS)

**283. 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	

Action	Date	FR Cite
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, Room 918, 3101 Park Center  
Drive, Alexandria, VA 22302

Phone: 703 305-2246

Fax: 703 605-0220

## USDA—FNS

## Proposed Rule Stage

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AB51

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 2011 to 2032

**CFR Citation:** 7 CFR 253; 7 CFR 254

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD12

**285. 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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD15

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
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RIN: 0584-AD25

**287. SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)**

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

RIN: 0584-AD35

**288. 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



## USDA—FNS

## Proposed Rule Stage

addresses, store type, and whether the vendor has been disqualified; protects State agencies against loss of revenue due to vendor nonselection; provides for an abbreviated administrative review when a State agency issues a civil money penalty in lieu of a reciprocal WIC disqualification; allows State agencies to share confidential vendor and participant information with an infant formula manufacturer or other food manufacturer with whom the State agency executes a rebate contract, for the purpose of verifying the accuracy of a rebate billing; and prohibits State agencies from requiring infant formula manufacturers to provide the formula or other items as part of their infant formula rebate solicitations and contracts. (02-013)

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	
NPRM Comment Period End	07/00/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

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

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD36

**289. FSP: DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171**

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

**RIN:** 0584-AD37

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1752

**CFR Citation:** 7 CFR 210, 215, 220

**Legal Deadline:** None

**Abstract:** This 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
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**RIN:** 0584-AD38

**291. 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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD40

**292. 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	09/00/05	

## USDA—FNS

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov**RIN:** 0584-AD41**293. • FSP: REVISIONS TO BONDING REQUIREMENTS FOR VIOLATING RETAIL AND WHOLESALE FOOD CONCERNS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 7 USC 2021**CFR Citation:** 7 CFR 278.1(b)(4)**Legal Deadline:** None

**Abstract:** The proposed rule will revise the current bonding requirements set forth in section 278.1(b)(4) of Food Stamp Program (FSP) regulations that are imposed against retailers who have violated FSP rules and regulations. Section 12(d) of the Food Stamp Act of 1977 (the Act), as amended, gives the Secretary of Agriculture the discretionary authority to require that retailers who have been sanctioned for program violations present a collateral bond as a condition of future authorization. The Act also gives the Secretary the authority to prescribe the amount, terms, and conditions of such bonds by regulation. Currently, all violating retailers that are sanctioned for a specified period of time or imposed a civil money penalty are required to submit a bond if they wish to continue to participate in the FSP. The bond must be valid as long as the firm is authorized to participate in the FSP regardless of the period of disqualification imposed or the amount of the civil money penalty assessed. Retailers are required to renew their bond through a financial institution on a periodic basis. The proposed rule will: 1) Eliminate the current bonding requirement for retailers who are disqualified for a period of 6 months or imposed a civil money penalty in

lieu of a 6-month disqualification period; and 2) Limit the renewal requirement to 1 year for retailers who are disqualified for a specified period of time greater than 6 months or imposed a civil money penalty in lieu of a specified period of time greater than 6 months. Section 278.2(f) of the FSP regulations stipulates that retail food stores may not accept food stamp benefits in payment for any eligible food sold to food stamp households on credit. Thus, the proposed rule will also assign a specified period of time for retailers to be removed from the program for accepting food stamp benefits in payment for eligible food on credit. (04-002)

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov**RIN:** 0584-AD44**294. 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. (04-003)

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Local, State, Tribal**Federalism:** Undetermined**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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Email: sheri.ackerman@fns.usda.gov**RIN:** 0584-AD45**295. • FSP: REGULATION RESTRUCTURING TO REFLECT THE END OF COUPON ISSUANCE SYSTEMS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 2011 to 2034**CFR Citation:** 7 CFR 274.8 and 274.12**Legal Deadline:** None

**Abstract:** The proposed changes to the Food Stamp Program's regulations are being put forth to account for the replacement of the paper coupon issuance system with the Electronic Benefits Transfer (EBT) system as the nationwide method of distributing benefits to program recipients. These changes will remove coupon issuance regulations that are no longer

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applicable, revise regulatory language to more appropriately connote the new EBT issuance system (such as eliminating the use of the term “coupon,” and replacing it with either “benefits” or “EBT card”), and reorganize sections to develop a more cohesive set of issuance and retailer regulations. None of the changes will have any policy impacts. The regulatory revisions, however, are necessary to avoid confusion by ensuring that the issuance and redemption requirements are clear and comprehensible. The sections that will be updated and reorganized by the

proposed rule are 7 CFR parts 274 and 278. (04-004)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	
Final Action	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD48

**296. • SPECIAL NUTRITION PROGRAMS: FLUID MILK SUBSTITUTIONS**

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

**RIN:** 0584-AD58

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

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**297. 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	07/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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**RIN:** 0584-AB10

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

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

**RIN:** 0584-AC24

**299. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0584-AC37

**300. 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

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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

**301. FSP: CIVIL RIGHTS DATA COLLECTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 88-352, sec 601

**CFR Citation:** 7 CFR 272

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/02	67 FR 70861
NPRM Comment Period End	01/27/03	
Final Action	03/00/05	
Final Action Effective	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AC75

**302. COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP): PLAIN LANGUAGE, PROGRAM ACCOUNTABILITY, AND PROGRAM FLEXIBILITY**

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

**RIN:** 0584-AC84

**303. 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	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AC95

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

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

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

**CFR Citation:** 7 CFR 210, 215, 220, 225, 226, and 235

**Legal Deadline:** None

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**Abstract:** This final rule makes a number of technical changes to the regulations governing the National School Lunch Program, the Special Milk Program for Children, the School Breakfast Program, the Child and Adult Care Food Program, the Summer Food Service Program, and State Administrative Expense Funds. The United States Department of Agriculture (USDA) is revising its grants management regulations in order to bring the entitlement programs it administers under the same regulations that already apply to nonentitlement programs and to identify exceptions to these general rules that apply only to entitlement programs. (01-008)

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/05	

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

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**RIN:** 0584-AD16**305. 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**306. 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**307. FSP: HIGH PERFORMANCE BONUSES**

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

**RIN:** 0584-AD29**308. FSP: ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

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

**RIN:** 0584-AD30**309. FSP: NON-DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171**

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

**RIN:** 0584-AD31**310. FSP: EMPLOYMENT AND TRAINING PROGRAM PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

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

**RIN:** 0584-AD32

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**311. 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	06/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal, Local, State, Tribal

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**RIN:** 0584-AD43**312. • SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): DISCRETIONARY WIC VENDOR PROVISIONS IN THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004, PUBLIC LAW 108-265****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** Final, Statutory, December 2004.

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/05	
Interim Final Rule Effective	02/00/05	
Interim Final Rule Comment Period End	09/00/05	
Final Action	09/00/05	
Final Action Effective	09/00/05	

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

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**RIN:** 0584-AD47

**313. • SEVERE NEED ASSISTANCE IN THE SCHOOL BREAKFAST PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-265**CFR Citation:** 7 CFR 220**Legal Deadline:** None

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

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

**Timetable:**

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

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

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**RIN:** 0584-AD50**314. • DISTRICT-WIDE USE OF PROVISIONS 2 AND 3****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-265**CFR Citation:** 7 CFR 245**Legal Deadline:** None

**Abstract:** Currently, schools may choose to use "Provision 2" or

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD51

### 315. • ADMINISTRATIVE ERROR REDUCTION IN THE SCHOOL MEALS PROGRAMS

**Priority:** Other Significant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 210; 7 CFR 220

**Legal Deadline:** None

**Abstract:** Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 (Act), amended the Richard B. Russell National School Lunch Act and Section

7 of the Child Nutrition Act of 1966 in the following ways. The new law:

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD52

### 316. • STATE ADMINISTRATIVE EXPENSES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 235

**Legal Deadline:** None

**Abstract:** State Administrative Expense Fund regulations will be revised to increase the minimum State grant for administrative expenses to \$200,000 a year (indexed after fiscal year 2008) and requires that: For fiscal years 2005 through 2007, no State will receive less than its fiscal year 2004 allocation. This rule will also require States to submit, for the Secretary’s approval, an amendment to their State plan indicating how it will allocate their State administrative expense funds for information management systems that improve program integrity by (1) monitoring the nutrient content of meals; (2) training schools and school food authorities in how to use technology and information

management systems for menu planning, collecting “point-of-sale” data, processing applications for free and reduced-price meals, and verifying eligibility; and (3) using electronic data to establish benchmarks to monitor program integrity, program participation, and financial data across schools and school food authorities. (04-011)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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**RIN:** 0584-AD53

### 317. • APPLYING FOR FREE AND REDUCED PRICE MEALS IN SCHOOLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 245

**Legal Deadline:** None

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

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

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

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

(2) Eligibility determinations for free or reduced-price school meals (other than cases where “direct certification” is used) are to be made on the basis of

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a complete application executed by an adult member of the household or in accordance with guidance issued by the Secretary. It will also stipulate that the household application must identify the names of each child in the household for whom free or reduced-price meal benefits are being requested and bars State agencies and local educational authorities from requesting separate applications for each child in cases where the children attend schools in the same local educational authority;

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD54

### 318. • NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS: FLUID MILK REQUIREMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265, sec 102

**CFR Citation:** 7 CFR 210; 7 CFR 220

**Legal Deadline:** None

**Abstract:** Currently, reimbursable school meals must offer types of fluid milk consistent with prior year

preferences, unless the prior year preference for a particular type of milk was less than 1 percent of the total milk consumed.

In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, the National School Lunch Program and School Breakfast Program regulations will be revised to require that school meals offer fluid milk in a variety of fat contents, regardless of the prior year preferences. (04-013)

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD55

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/05	
Comment Period End	05/00/05	
Direct Final Rule Effective	07/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD56

### 320. • NATIONAL SCHOOL LUNCH PROGRAM: MARKETING AND SALES OF FLUID MILK PRODUCTS IN SCHOOLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 210

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD57



## USDA—FNS

## Final Rule Stage

**321. • NUTRITION STANDARDS IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 108–265, sec 103**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/06	

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584–AD59**322. • DIRECT AND DISCRETIONARY CERTIFICATION IN THE SCHOOL MEALS PROGRAMS**

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

**RIN:** 0584–AD60**323. • REVISED VERIFICATION PROCEDURES IN THE SCHOOL MEALS PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 108–265**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

**Abstract:** In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, the verification procedures in 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, will be revised to require that, starting July 2005:

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

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

A nonresponse rate is the percentage of approved household applications for which verification information has not been obtained by a LEA. Second-preceding-school-year nonresponse rates may not be available for all schools for the 2005-2006 school year. As a result, this rule would also provide that, for the 2005-2006 school year, large local educational agencies (20,000+ approved students) also could qualify to use 1 of the 2 alternate sample sizes (the options in current regulations) if they attempt to verify all approved household applications through the use of direct verification. When verifying eligibility for free or reduced-price school meals, local

educational agencies can first use direct verification and obtain and use income and program participation information from public agencies administering certain programs. The programs are: The food stamp program, the food distribution program on Indian reservations, State TANF programs, State Medicaid programs, or similar income-tested programs (or other sources of information). In cases in which there are not enough error-prone applications to comply with the options, local educational agencies would be required to randomly select additional applications to fulfill the percentage or number requirement.

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

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

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

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/06	

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

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**RIN:** 0584–AD61

## USDA—FNS

## Final Rule Stage

**324. • CATEGORICAL ELIGIBILITY OF CERTAIN MIGRATORY, HOMELESS, AND RUNAWAY YOUTH****Priority:** Other Significant**Legal Authority:** PL 108–265, sec 107**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

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

1. Homeless children or youth as defined by the McKinney-Vento Homeless Assistance Act;
2. Youth served by grant programs under the Runaway and Homeless Youth Act; and
3. Migratory children as defined in section 1309(2) of the Elementary and Secondary Education Act.

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

**Timetable:**

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

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584–AD62**325. • WAIVER OF THE REQUIREMENT TO USE WEIGHTED AVERAGES IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–265, sec 110**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

**Abstract:** Effective October 1, 2004, regulations for the school nutrition programs require school food authorities, that use nutrient standard menu planning, apply “weighted averages.” Weighted averages reflect production, with menus “weighted” based on their relative contributions. Public Law 108-265 extended the waiver of this requirement until September 30, 2009. This final regulation would revise the regulations to incorporate this provision. (04-021)

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/05	

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584–AD63**326. • FOOD SAFETY INSPECTIONS, AUDITS, AND REPORTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–265, sec 111**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

**Abstract:** Current regulations governing the National School Lunch and School Breakfast Programs require one food safety inspection in schools during the school year unless such inspection is required by the State or local agency responsible for food safety inspections. Public Law 101-265 revised the requirement in the Richard B. Russell National School Lunch Act on food safety inspections to: (1) Increase the number of required inspections to at least two during the school year; (2) remove the exemption if there are State or local requirements for schools; and (3) require that reports on the most recent inspection be posted in a publicly visible location and be provided, on request, to the public. In addition, the regulations will be revised to include the requirement in Public Law 101-265 that, for fiscal years 2006

through 2009, States annually audit food safety inspections in schools and submit a report to USDA on the results of that audit. (04-022)

**Timetable:**

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

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

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**RIN:** 0584–AD64**327. • SCHOOL FOOD SAFETY: HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEM****Priority:** Other Significant**Legal Authority:** PL 108–265**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

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

**Timetable:**

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

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department

## USDA—FNS

## Final Rule Stage

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**RIN:** 0584-AD65

**328. • IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: FOR-PROFIT CENTER PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/05	
Comment Period End	05/00/05	
Direct Final Rule Effective	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD66

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** This rule will amend the CACFP regulations to implement a provision from the Child Nutrition and WIC Reauthorization Act of 2004 that increased the duration of tiering status determinations to five years for participating family day care homes when based on school data. This provision constitutes a reduction in both administrative workload and paperwork burden for State agencies and sponsoring organizations since they only have to perform redeterminations every 5 years instead of every 3 years. (04-025)

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/05	
Final Action Effective	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD67

**330. • IMPLEMENTING PROVISIONS OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: DISREGARD OF OVERPAYMENTS IN THE CHILD AND ADULT CARE FOOD PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** This rule will implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that permits USDA and State agencies to disregard overpayments to an institution in any fiscal year that are found during the conduct of management evaluations, reviews, or audits of the Child and Adult Care Food Program (CACFP). The total amount that may be disregarded in a fiscal year may not exceed \$600. (04-026)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD68

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

## USDA—FNS

## Final Rule Stage

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

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/05	
Final Action Effective	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD69

**332. • IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: SEAMLESS SUMMER OPTION FOR SCHOOLS PARTICIPATING IN THE SUMMER FOOD SERVICE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 225

**Legal Deadline:** None

**Abstract:** This rule will amend the Summer Food Service Program (SFSP) to incorporate a provision from the Child Nutrition and WIC Reauthorization Act of 2004 that authorizes a Seamless Summer Option for public or private nonprofit schools participating in the Program. The provision allows schools to participate

in the SFSP under rules similar to the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) and requires that breakfasts served must be reimbursed at the SBP free rate and that lunches and snacks served must be reimbursed at the NSLP free rates. (04-028)

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD70

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

**Long-Term Actions**

**333. FOOD STAMP PROGRAM: ADMINISTRATIVE COST REIMBURSEMENT**

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

**CFR Citation:** 7 CFR 277

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	01/00/06	
Final Action	06/00/06	
Final Action Effective	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

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**RIN:** 0584-AC86

**334. 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	

Action	Date	FR Cite
Interim Final Rule Comment Period End	12/24/02	
Final Action	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AC94

**Department of Agriculture (USDA)**  
**Food and Nutrition Service (FNS)**
**Completed Actions**
**335. FOOD STAMP PROGRAM:  
 VEHICLE AND MAXIMUM EXCESS  
 SHELTER EXPENSE DEDUCTION  
 PROVISIONS OF PUBLIC LAW  
 106-387**

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

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

**Completed:**

Reason	Date	FR Cite
Final Action	07/29/04	69 FR 45225

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local,  
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**RIN:** 0584-AD13**BILLING CODE** 3410-30-S
**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Proposed Rule Stage**
**336. PERFORMANCE STANDARDS  
 FOR PUMPED OR MASSAGED BACON**

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

**RIN:** 0583-AC49
**337. EGG PRODUCTS INSPECTION  
 REGULATIONS**

**Regulatory Plan:** This entry is Seq. No. 17 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC58
**338. 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	06/00/05	

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

**Agency Contact:** Robert Post Ph.D.,  
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**RIN:** 0583-AC59
**339. FOOD STANDARDS; GENERAL  
 PRINCIPLES AND FOOD STANDARDS  
 MODERNIZATION**

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

**RIN:** 0583-AC72
**340. PERFORMANCE CRITERIA FOR  
 ON-LINE ANTIMICROBIAL  
 REPROCESSING OF PRE-CHILL  
 POULTRY CARCASSES**
**Priority:** Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 9 CFR 424**Legal Deadline:** None

**Abstract:** This rule 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 criteria 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.

The rule is being repropose because the Agency has determined that the standard for the on-line antimicrobially reprocessed poultry should be "as good as or better than" the visibly clean birds rather than a numerical standard. Instead of Salmonella or generic E. coli, the indicator organism will be Aerobic Plate Count (APC) for process control at pre-chill. This new direction will require establishments to develop a baseline for visibly clean untreated birds in order to determine whether the treated birds meet the standard of "as good as or better than."

**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

## USDA—FSIS

## Proposed Rule Stage

**341. 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

**Agency Contact:** Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC81**342. PERFORMANCE STANDARD FOR CHILLING OF READY-TO-COOK POULTRY****Regulatory Plan:** This entry is Seq. No. 19 in part II of this issue of the **Federal Register**.**RIN:** 0583-AC87**343. 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	09/00/05	

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

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**Related RIN:** Duplicate of 0583-AC92**RIN:** 0583-AD01**344. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

## USDA—FSIS

## Proposed Rule Stage

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

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**Related RIN:** Duplicate of 0583-AC43**RIN:** 0583-AD02**345. 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

**Agency Contact:** Mr. John A. O'Connell, Program Analyst, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD04**346. FOOD SECURITY PLANS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 7 USC 138f; 7 CFR 2.18, 2.53; 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq**CFR Citation:** 9 CFR 420**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

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

**Agency Contact:** Bobby Palesano, Acting Deputy Executive Associate for Program Development, Department of Agriculture, Food Safety and Inspection Service, Room 2932, 14th and Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD06**347. ● ACCREDITED LABORATORY PROGRAM****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** 9 CFR 318, 381, and 439**Legal Deadline:** None

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

the regulations, now in two parts, into a single part, 9 CFR part 439.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

**Agency Contact:** Dr. Lynn E. Dickey, Director, Regulations and Petitions Policy Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD09**348. ● SHARING OF FIRMS' DISTRIBUTION LISTS OF RETAIL CONSIGNEES DURING MEAT OR POULTRY PRODUCT RECALLS****Priority:** Other Significant**Legal Authority:** 5 USC 301, 552**CFR Citation:** 9 CFR 390**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

## USDA—FSIS

## Proposed Rule Stage

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Mr. Philip Derfler, Assistant Administrator, Office of Policy, Program and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 350, Jamie L. Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250-3700  
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**RIN:** 0583-AD10

**349. • REQUIRING INDUSTRY E. COLI O157:H7 TEST RESULTS FOR RAW BEEF PRODUCTS BEING MAINTAINED IN ONE SPECIFIC LOCATION IN THE ESTABLISHMENT**

**Priority:** Other Significant**Legal Authority:** 21 USC 677**CFR Citation:** 9 CFR 320**Legal Deadline:** None

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

and that, if the establishment changes the location where it keeps these test result records, the establishment must notify an FSIS employee of the new location, verbally or in writing. Finally, FSIS is proposing that the Agency would have access to these test result records for review and copying.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

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

**Agency Contact:** Dr. Lynn E. Dickey, Director, Regulations and Petitions Policy Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD11

## Department of Agriculture (USDA)

## Final Rule Stage

## Food Safety and Inspection Service (FSIS)

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

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

**RIN:** 0583-AC46**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

**Agency Contact:** Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC82

**352. 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

**353. 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



## USDA—FSIS

## Final Rule Stage

**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

### 354. PROHIBITION OF THE USE OF SPECIFIED RISK MATERIALS FOR HUMAN FOOD AND REQUIREMENTS FOR THE DISPOSITION OF NON-AMBULATORY DISABLED CATTLE

**Regulatory Plan:** This entry is Seq. No. 22 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC88

### 355. ADDITION OF SAN MARINO TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT MEAT AND MEAT PRODUCTS TO THE UNITED STATES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 to 695**CFR Citation:** 9 CFR 327**Legal Deadline:** None

**Abstract:** FSIS is proposing to add San Marino to the list of countries from which meat or meat food products may be imported into the United States.

**Timetable:**

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

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

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**RIN:** 0583-AC91

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

**Priority:** Other Significant**Legal Authority:** 21 USC 601 to 695**CFR Citation:** 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1**Legal Deadline:** None

**Abstract:** On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations. The rule is designed, in part, to prevent human exposure to the Bovine Spongiform Encephalopathy (BSE) agent by ensuring that Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) systems are not a means of introducing central nervous system (CNS)-type tissue into product labeled as "meat." Meat may be derived by mechanically separating skeletal muscle tissue from the bones of livestock, other than skulls or vertebral column bones of cattle 30 months of age and older, using advances in mechanical meat/bone separation machinery; i.e., AMR systems. The recovered meat product may not incorporate any brain, trigeminal

ganglia, spinal cord, or dorsal root ganglia tissues. In addition, there must be no more than a non-significant incorporation of bone solids or bone marrow as measured by the presence of calcium and iron in excess of the requirements in the interim final rule. This rule also requires that federally inspected establishments that process cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of specified risk materials (SRMs), including non-complying products from beef AMR systems. These procedures are required to be incorporated into an establishment's HACCP plan, Sanitation Standard Operation Procedures, or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the Department of Agriculture of a positive case of BSE in an adult Holstein cow in the State of Washington.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1874
Interim Final Rule Comment Period End	04/12/04	
Final Action	08/00/05	

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

**Agency Contact:** Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**Related RIN:** Duplicate of 0583-AC51**RIN:** 0583-AD00

### 357. 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

## USDA—FSIS

## Final Rule Stage

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

**Timetable:**

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

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

**Agency Contact:** Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD03**358. 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**359. ● FREQUENCY OF FOREIGN INSPECTION SYSTEM SUPERVISORY VISITS TO CERTIFIED FOREIGN ESTABLISHMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 to 695;; 7 CFR 2.18, 2.53; 7 USC 138f, 450; 21 USC 451 to 470**CFR Citation:** 9 CFR 327.2; 9 CFR 381.96**Legal Deadline:** None

**Abstract:** FSIS is proposing to amend its regulations to change the required frequency of foreign inspection system supervisory visits to certified foreign establishments so as to bring FSIS import requirements into agreement with its requirements for domestic establishments. FSIS is proposing to delete the current requirement that supervisory visits take place "not less frequent[ly] than one such visit per month." In its place, FSIS is proposing to require foreign inspection systems to make "periodic supervisory visits" to certified establishments in order to ensure that such establishments continue to meet FSIS requirements for certification to export meat and poultry to the United States. Published in the Federal Register: August 18, 2004 (Volume 69, Number 159), page 51194 to 51196.

**Timetable:**

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

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

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**RIN:** 0583-AD08

## Department of Agriculture (USDA)

## Completed Actions

## Food Safety and Inspection Service (FSIS)

**360. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 319**Completed:**

Reason	Date	FR Cite
Final Action	06/23/04	69 FR 34913

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Lynn E. Dickey  
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**RIN:** 0583-AC09

## USDA—FSIS

## Completed Actions

**361. NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS (COMPLETION OF A 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
Withdrawn	10/04/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 205-0279  
Email: robert.post@fsis.usda.gov**RIN:** 0583-AC95**362. • NUTRITION LABELING: NUTRIENT CONTENT CLAIMS ON MULTI-SERVE, MEAL-TYPE MEAT AND POULTRY PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** 9 CFR 318 and 381**Legal Deadline:** None**Abstract:** The Food Safety and Inspection Service issued a final rule to amend the meat and poultry regulations to change the definition of "meal-type" products to allow for nutrient content claims to be based on 100 grams rather than the Reference Amounts Customarily Consumed (RACC). The Agency's rationale for allowing different criteria than FDA's for these products was that meal-type products have potentially large variations in the amount customarily consumed (6 to 12 ounces), and the average serving size would not be an appropriate basis for comparing nutrients. This final rule also adopts the definition of "main dish" used by FDA and defines how meal-type and main dish products should be nutritionally labeled. In its petition, ConAgra, Inc., cited recent changes in consumer preferences for these products as the basis for change.**Timetable:**

Action	Date	FR Cite
NPRM	04/16/03	68 FR 18560
NPRM Comment Period End	06/16/03	
Final Action	10/01/04	69 FR 58799

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 205-0279  
Email: robert.post@fsis.usda.gov**RIN:** 0583-AD07**BILLING CODE 3410—DM—S**

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Proposed Rule Stage**
**363. 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; 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

Action	Date	FR Cite
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ANPRM Comment Period End	06/02/03	
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NPRM	01/00/05	
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NPRM Comment Period End	03/00/05	
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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0551-AA65

**364. • QUALITY SAMPLES PROGRAM**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Rule proposes to establish regulations applicable to the Quality Samples Program (QSP), currently authorized by section 5(f) of the CCC

Charter Act, 15 U.S.C. 714c(f). This proposed rule would codify existing guidelines. The rule would provide specific regulations concerning program administration. Significant provisions include program objectives and priorities, eligible organizations, qualification requirements, application and review processes, reimbursement rules and procedures, financial reporting and program evaluation requirements, and program controls.

**Timetable:**

Action	Date	FR Cite
NPRM	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.fas.usda.gov

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**RIN:** 0551-AA68

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Final Rule Stage**
**365. 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	06/22/04	
NPRM Comment Period End	07/22/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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## USDA—FAS

## Final Rule Stage

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RIN: 0551-AA62

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

## Long-Term Actions

**366. CCC SUPPLIER CREDIT  
GUARANTEE PROGRAM**

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

**CFR Citation:** 7 CFR 1493

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/95	60 FR 37025
NPRM Comment Period End	09/18/95	
Interim Final Rule	07/01/96	61 FR 33825
Interim Final Rule Effective	08/30/96	
Interim Final Rule Comment Period End	12/30/96	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 0551-AA30

**367. FACILITY GUARANTEE  
PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 17; 7 CFR 1493

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/01/93	58 FR 11786
Interim Final Rule Comment Period End	06/01/93	

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

**Regulatory Flexibility Analysis**  
**Required:** No

**Government Levels Affected:** None

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RIN: 0551-AA35

BILLING CODE 3410-10-S

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

## Proposed Rule Stage

**368. INDIAN ALLOTMENTS ON  
NATIONAL FOREST SYSTEM LANDS**

**Priority:** Other Significant

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

**CFR Citation:** 36 CFR 254

**Legal Deadline:** None

**Abstract:** This proposed rule sets forth the Forest Service role and procedures in the conveyance of Indian allotments on National Forest System (NFS) lands. The Indian Allotment Act of 1910, as amended, authorizes the Secretary of the Interior to make allotments of NFS lands to American Indians for homesteading and agricultural and grazing purposes, but only after a determination by the Secretary of Agriculture that the lands are more valuable for agriculture or grazing than for timber. The Forest Service has relied upon U.S. Department of the Interior rules and procedures at 43 CFR part 2533 to govern its involvement in

Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations. This proposed rule clarifies the role of the Forest Service in the allotment process. It preserves the rights of affected individual American Indians who wish to apply for allotments on NFS lands. An earlier version of this proposed rule was published in the Federal Register on June 22, 1987 (52 FR 23473). Very few comments were received on the 1987 proposed rule, and this revision of the proposed rule makes only limited changes needed to update the rule due to the passage of 17 years since publication of the first version of the proposed rule. Because of the amount of time that has elapsed since the earlier version of the proposed rule was published, the agency believes that it is in the public interest to publish a revised proposed rule and request comment prior to adopting a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Second NPRM	02/00/05	

**Regulatory Flexibility Analysis**  
**Required:** No

**Government Levels Affected:** None

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RIN: 0596-AA52

**369. SPECIES SURPLUS TO  
DOMESTIC MANUFACTURING NEEDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 620 et seq

## USDA—FS

## Proposed Rule Stage

**CFR Citation:** 36 CFR 223.200

**Legal Deadline:** None

**Abstract:** This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 620a(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.). Section 620a(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in subsection (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary determines, through rulemaking, to be surplus to domestic manufacturing needs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0596-AB27

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 472; 16 USC 551

**CFR Citation:** 36 CFR 251; 36 CFR 214

**Legal Deadline:** None

**Abstract:** 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	11/00/04	

**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

### 371. 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	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB61

## USDA—FS

## Proposed Rule Stage

**372. 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	11/00/04	

**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

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**RIN:** 0596-AB70**373. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**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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Email: aweeks@fs.fed.us**RIN:** 0596-AB75**374. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES****Priority:** Other Significant**Legal Authority:** 49 USC 4151; 29 USC 794; 7 CFR 15e**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR part 15e require that new or reconstructed facilities be accessible. The Forest Service Trails Accessibility Guidelines in this proposed policy amending Forest Service Manual (FSM) 2350, Trail, River, and Similar Recreation Opportunities, would establish clear agency guidelines to provide the highest level of accessibility to pedestrian/hiker trails for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. The proposed policy also would incorporate the definition of a wheelchair and clarify direction that a mobility device that meets that definition of a wheelchair may be used anywhere foot travel is permitted. Comments will be considered in development of the final guidelines.

**Timetable:**

Action	Date	FR Cite
Proposed Interim Directive	11/00/04	

**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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Email: aweeks@fs.fed.us**RIN:** 0596-AB92**375. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES****Priority:** Other Significant**Legal Authority:** 42 USC 4151; 29 USC 794; 7 CFR 15e**CFR Citation:** None

## USDA—FS

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR part 15e require that new or reconstructed facilities be accessible. The Forest Service Outdoor Recreation Accessibility Guidelines in this proposed policy amending Forest Service Manual (FSM) chapter 2330, Publicly Managed Recreation Opportunities, would establish clear agency guidelines to provide the highest level of accessibility for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. Outdoor recreation facilities include campgrounds, picnic areas, beach access and other access routes, and so on. The proposed policy also would clarify direction regarding existing requirements for the Golden Access Passport eligibility and documentation utilized by all Federal agencies under the 1980 amendment to the Land and Water Conservation Fund Act. Comments will be considered in development of the final guidelines.

**Timetable:**

Action	Date	FR Cite
Proposed Interim Directive	11/00/04	

**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-AB93

### 376. 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	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

### 377. STATE PETITIONS FOR INVENTORIED ROADLESS AREA MANAGEMENT

**Regulatory Plan:** This entry is Seq. No. 23 in part II of this issue of the **Federal Register**.

**RIN:** 0596-AC10

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 5801**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Updated national direction is needed to ensure the agency is both current and consistent in working with grazing permittees in all Forest Service Regions. The Forest Service is

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

**Timetable:**

Action	Date	FR Cite
Proposed Directives	11/00/04	

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

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**RIN:** 0596-AC12

### 379. NATIONAL FOREST SYSTEM APPEALS AND LITIGATION (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 1570)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472, 551, 1612 note**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to revise its directives issued to the Forest Service Manual (FSM) 1570, Appeals and Litigation, to reestablish the Forest Service Handbook



## USDA—FS

## Proposed Rule Stage

(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	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC13

**380. WATERSHED FORESTRY ASSISTANCE PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 108-148

**CFR Citation:** None

**Legal Deadline:** None

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

technical assistance program and (2) a watershed forestry cost-share program. The WFAP is very similar to other State and Private Forestry cooperative grant and agreement programs that the Forest Service has managed over the past 50 years.

The WFAP guidelines will establish the criteria that State Foresters and landowners and other entities must meet in implementing WFAP. These criteria include landowner/entity eligibility and responsibilities, acceptable watershed forestry projects, and selection of priority watersheds. The guidelines also will establish budget allocation procedures and monitoring and accomplishment reporting requirements. The guidelines will, to the extent consistent with Federal accountability and oversight responsibility, allow flexibility to the States to implement the program in a manner consistent with local needs and opportunities.

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

**Timetable:**

Action	Date	FR Cite
Advance Notice of Proposed Guideline	05/25/04	69 FR 29688
Comment Period End	07/26/04	
Proposed Guideline	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**URL For More Information:**

<http://www.fs.fed.us/cooperativeforestry/programs/wfa/>

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**Related RIN:** Related to 0596-AC19

**RIN:** 0596-AC18

**381. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 108-148

**CFR Citation:** None

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
Advance Notice of Proposed Guideline	05/25/04	69 FR 29687
Comment Period End	07/26/04	
Proposed Guideline	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Tribal

**URL For More Information:**

<http://www.fs.fed.us/cooperativeforestry/programs/wfa/>

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## USDA—FS

## Proposed Rule Stage

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**Related RIN:** Related to 0596–AC18

**RIN:** 0596–AC19

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 223 et seq

**CFR Citation:** 36 CFR 228

**Legal Deadline:** None

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

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**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–AC20

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 426

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a notice of proposed directive to FSM 2320 to clarify the role of the Forest Service in predator damage management in wilderness. In 1993, the Forest Service entered into a memorandum of understanding (MOU) with the Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) to clarify the Forest Service's role in working with APHIS-WS regarding predator damage management activities conducted by APHIS-WS on National Forest System lands. In 1995, direction was issued to FSM 2650 to bring Forest Service policy on predator damage management into conformance with the MOU. Additionally in 1995, an interim directive to FSM 2323.33c was issued regarding predator damage management in wilderness to conform with both the MOU and FSM 2650. The interim directive clarified the role of APHIS-WS as the lead agency in preparing environmental documentation for predator control activities initiated by APHIS. The interim directive to FSM

2323.33c was reissued in 1997, and expired in 1998. Therefore, the current direction in effect in FSM chapter 2320 does not reflect the MOU, or policy changes made in FSM 2650. A Washington Office team is working with Regional staff, APHIS-WS, and the Office of General Counsel to amend FSM 2320 to conform with the MOU, FSM 2650, and clarify and strengthen the Forest Service's role and responsibility regarding predator damage management action in wilderness. Comments received on this proposed directive will be considered in the development of the final directive.

**Timetable:**

Action	Date	FR Cite
Proposed Directive	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596–AC22

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 497, 551

**CFR Citation:** None

**Legal Deadline:** None

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

## USDA—FS

## Proposed Rule Stage

that generate less than \$100,000 in revenue.

**Timetable:**

Action	Date	FR Cite
Proposed Directive	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC24

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 497

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed directive to amend certain portions of agency direction for outfitter/guide special use authorizations. This action is being taken to ensure quality long term public service and reduce administrative burden to small business and the agency. The proposed directive would revise a number of existing provisions and provide new direction. For example, the current fee system would change from one based on a percentage of gross revenue to a flat 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	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC25

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

**Priority:** Other Significant

**Legal Authority:** 16 USC 620

**CFR Citation:** 36 CFR 223.200(d)

**Legal Deadline:** None

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

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

The Secretary's proposed determination that domestic species of unprocessed timber is surplus to domestic needs would allow the lifting of export restrictions so unprocessed timber

could be offered on the foreign market. This action would increase utilization of dead and dying timber, increase capability to reduce hazardous fuels, and decrease government costs.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC27

### 387. • NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES

**Priority:** Other Significant

**Legal Authority:** 16 USC 472, 551, 1612 note

**CFR Citation:** 36 CFR 215

**Legal Deadline:** None

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

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

## USDA—FS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC28

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

## Final Rule Stage

**388. SALE AND DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 472a; 16 USC 551; 16 USC 618

**CFR Citation:** 36 CFR 223.30; 36 CFR 223.40; 36 CFR 223.116

**Legal Deadline:** None

**Abstract:** The Forest Service is issuing a final rule to revise current regulations regarding cancellation of timber sale contracts, permits, and other such instruments authorizing the sale or harvest of timber or other forest products. This rule is needed to clarify when, why, and by whom contracts may be cancelled to remove redundant provisions and to provide a new formula for compensation when the Government must cancel timber sale contracts. The Forest Service takes every precaution before authorizing a particular activity on National Forest System lands to ensure that its authorization conforms with existing laws and with existing conditions on the ground at the time of the authorization. The current regulations place an inappropriate amount of financial liability on the Forest Service when the agency must, for reasons of public policy, judicial decision, or statutory direction, cancel a timber sale contract or permit. The regulatory changes are necessary because the Forest Service is unable to continue bearing the majority of the financial risk and burden of contract cancellations. This rule would more reasonably allocate the risk between the Government and private parties. Establishing these reasonable limits to the Government's exposure to financial liability and burden of risk in the event of contractual changes or contract cancellations is critical to protecting the public's financial interests.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB21

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

**Priority:** Other Significant

**Legal Authority:** 43 USC 1764; 30 USC 181

**CFR Citation:** 36 CFR 251

**Legal Deadline:** None

**Abstract:** This final rule, as authorized by the Mineral Leasing Act, the Federal Land Policy and Management Act, and other statutes, would provide for recovering costs associated with processing applications for special use authorizations to use and occupy National Forest System (NFS) lands and with monitoring compliance with these special use authorizations. The action is needed to provide timely reviews and evaluations of special use applications; to ensure that forest resources are adequately protected; and to ensure that holders comply with the terms and conditions of their

authorization. Promulgation of this rule would comply with requirements of OMB Circular A-25, section 7, which directs that user charges be instituted through promulgation of agency regulations implementing the authority for Federal agencies to recover costs under the Independent Officers Appropriations Act (IOAA). The rule would also respond to recommendations in GAO reports RCED-96-84 (April 1996) and RCED 97-16 (December 1996) that the Forest Service (1) operate its special uses program in a more cost-efficient and businesslike manner and (2) promulgate regulations allowing the Agency to exercise existing authority to recover from applicants and holders the Agency's costs to process special-use applications and monitor compliance with those authorizations. This rule would also make Forest Service procedures and fees related to cost recovery consistent with the Bureau of Land Management's (BLM) rules at 43 CFR parts 2800, 2880, and 2930.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/99	64 FR 66341
NPRM Comment Period Extended	12/29/99	64 FR 72971
NPRM Comment Period End	02/04/00	
NPRM Comment Period Extended	02/25/00	65 FR 10042
NPRM Comment Period End	03/09/00	
Final Action	11/00/04	

**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

## USDA—FS

## Final Rule Stage

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

### 390. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-113

**CFR Citation:** 36 CFR 223

**Legal Deadline:** None

**Abstract:** The Forest Service is promulgating regulations for managing special forest products and forest botanical products. The regulations will guide the Forest Service in the administration of the broader category of special forest products. The interim final rule also implements Public Law 106-113, which authorizes a pilot program of charges and fees for harvest of forest botanical products. Forest botanical products include products, such as herbs, berries, seeds, and wildflowers that are not wood products. The intended effect of this rule is to give guidance and consistency for the sustainability and sale of special forest products including forest botanical products.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0596-AB81

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 36 CFR 251

**Legal Deadline:** None

**Abstract:** The Appropriations Act for the Department of the Interior and Related Agencies for Fiscal Year 2001 (Pub. L. 106-291) contains provisions in title VI "Cabin User Fee Fairness Act of 2000" to ensure consistent and fair processes for appraising the fee simple value of recreation residence lots on National Forest System (NFS) lands. The Forest Service is adopting final regulations at 36 CFR part 251, subpart B, and final policy in the Forest Service Manual (FSM) 2347 and FSM 2721, and Forest Service Handbook (FSH) 2709.11, section 33, and FSH 5409.12, chapter 6, that would provide the regulatory framework and Agency management direction necessary to implement the provisions of the act. The proposed policies and proposed rule were published on May 13, 2003 (68 FR 25748), with a 60-day comment period ending August 11, 2003. The proposed rule and proposed policy included provisions for establishing a base annual fee and a new appraisal cycle, conducting inventories of recreation residence lots, and setting out appeal and judicial review processes and appraisal guidelines for appraising the fee simple value of recreation residence lots. Approximately 950 comments were received, the majority of which were submitted by permit holders or organized associations of permit holders. The comments are being analyzed and will be considered in development of the final rule and policy.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25748
NPRM Comment Period End	08/11/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB83

### 392. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING

**Regulatory Plan:** This entry is Seq. No. 24 in part II of this issue of the **Federal Register**.

**RIN:** 0596-AB86

### 393. COMMUNITY AND PRIVATE LAND FOREST FIRE ASSISTANCE PROGRAM

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 36 CFR 230 subpart D (new)

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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## USDA—FS

## Final Rule Stage

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**RIN:** 0596-AB96

### 394. DELEGATION OF AUTHORITY TO APPROVE FREE USE BY INDIVIDUALS

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

**Legal Authority:** 16 USC 472a

**CFR Citation:** 36 CFR 223.8

**Legal Deadline:** None

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

The interim final rule will be published in the Federal Register with request for public comment. Comments received will be considered in the development of the final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC09

### 395. TRAVEL MANAGEMENT, DESIGNATED ROUTES, AND AREAS FOR MOTOR VEHICLE USE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551; 23 USC 205

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

**Legal Deadline:** None

**Abstract:** The Forest Service will be publishing a final rule amending 36 CFR part 212 by establishing two subparts. Subpart A will be established for Administration of the Forest Transportation System and Subpart B will be established for Designation of Roads, Trails, and Areas for Motor Vehicle Use; 36 CFR part 295 will be incorporated into 36 CFR part 212, subpart B. The final rule will also clarify definitions and direction, and improve consistency in management of off-highway vehicles on National Forest System lands in an effort to blend broad agency policy with local decisionmaking. These changes ensure that collaborative efforts at the local level are integrated into decisionmaking.

Additionally, the final rule amends 36 CFR part 261 and 36 CFR part 251 to update language in current usage consistent with the changes to 36 CFR part 295 and 36 CFR part 212, and to add prohibitions not currently covered in existing regulations that would clarify the management and use of off-highway vehicles on National Forest System lands.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42381
NPRM Comment Period End	09/13/04	
Final Action	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC11

### 396. 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

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## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/08/04	
Final Action	03/00/05	

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

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**RIN:** 0596-AC15**397. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER SALE CONTRACTS; MODIFICATION OF CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a; 16 USC 618; 16 USC 620 to 620j**CFR Citation:** 36 CFR 223.112**Legal Deadline:** None

**Abstract:** The Forest Service is adopting a final rule at part 223, subpart B, of title 36, Code of Federal Regulations, section 223.112. This final rule authorizes timber sale contracting officers to modify contracts to provide a redetermination of stumpage rates and deposits to reflect significant timber market declines. This rule applies to existing timber sale contracts awarded after October 1, 1995, that have been suspended for more than 90 days, during the normal operating season because of administrative appeals or litigation, through no fault of the timber purchaser.

This final rule provides relief for purchasers in this situation by enabling them to obtain stumpage rate redeterminations to continue existing contracts after the suspension has been lifted to ensure the economic viability of the sale.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/09/04	69 FR 18813

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/08/04	
Final Action	11/00/04	

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

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**RIN:** 0596-AC16**398. CLARIFICATION AS TO WHEN A NOTICE OF INTENT AND/OR A PLAN OF OPERATIONS IS NEEDED FOR LOCATABLE MINERAL OPERATIONS ON NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 21 to 54; 30 USC 612**CFR Citation:** 36 CFR 228.4**Legal Deadline:** None

**Abstract:** The Forest Service is adopting a final rule at 36 CFR 228.4 clarifying when a notice of intent and/or a plan of operations is needed for locatable mineral operations on National Forest System (NFS) lands.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/09/04	69 FR 41428
Interim Final Rule Comment Period End	09/07/04	
Final Action	01/00/05	

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

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**Related RIN:** Related to 0596-AB98**RIN:** 0596-AC17**399. MAXIMUM TERM FOR OUTFITTER/GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVE, FOREST SERVICE HANDBOOK (FSH) 2709.11, CHAPTER 40)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a 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	08/13/04	69 FR 50160
Comment Period End	10/12/04	
Final Directive	12/00/04	

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

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**RIN:** 0596-AC23

## USDA—FS

## Final Rule Stage

**400. • INTEGRATED RESOURCE CONTRACTS, FS-2400-13 AND FS-2400-13T (NOTICE OF INTERIM CONTRACTS)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-7**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Section 323 of Public Law 108-7, the Consolidated Appropriations Resolution (16 U.S.C. 2104 note) established special authorities for stewardship contracting not addressed in existing Forest Service timber sale contracts. In general, the new authorities provide for including service work in timber sale contracts and applying the value of timber or other forest products removed as an offset against the cost of services received. Integrated Resource Contracts FS-2400-13 and FS-2400-13T are being

developed for use with stewardship end result contracting when the value of timber exceeds the cost of service work.

Except where they deviate to address the new authorities, the FS-2400-13 and FS-2400-13T contracts parallel recently revised timber sale contracts FS-2400-6 and FS-2400-6T, which became effective upon notice in the Federal Register on May 6, 2004 (69 FR 25367).

In order to fully implement the authorities under section 323 of Public Law 108-7, and because they are so similar to timber sale contracts FS-2400-6 and FS-2400-6T, the agency implemented interim use of the integrated resource contracts while public comments are being sought. Comments received will be considered in the development of the final contracts.

**Timetable:**

Action	Date	FR Cite
Notice of Interim Contracts	10/05/04	69 FR 59577
Comment Period End	11/04/04	
Notice of Final Contracts	01/00/05	

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

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**RIN:** 0596-AC26**Department of Agriculture (USDA)  
Forest Service (FS)****Long-Term Actions****401. LOCATABLE MINERALS****Priority:** Other Significant**CFR Citation:** 36 CFR 228, subpart A**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

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

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**RIN:** 0596-AB98**402. SPECIAL AREAS; ROADLESS AREA CONSERVATION; APPLICABILITY TO NATIONAL FOREST SYSTEM LANDS IN ALASKA****Priority:** Other Significant**CFR Citation:** 36 CFR 294**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/03	68 FR 41864
ANPRM Comment Period End	08/14/03	
ANPRM Comment Period Extended	08/18/03	68 FR 49395
ANPRM Comment Period End	09/02/03	

Next Action Undetermined

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

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**Related RIN:** Related to 0596-AC04, Previously reported as 0596-AB85**RIN:** 0596-AC05**403. CLIMBING BOLTS IN WILDERNESS (PROPOSED INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks  
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**RIN:** 0596-AC21



**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Completed Actions**
**404. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED FOR CERTAIN SPECIAL USES PERMIT ACTIONS (FINAL INTERIM DIRECTIVE TO FSH 1909.15, CHAPTER 30)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	07/06/04	69 FR 40591
Final Action Effective	07/06/04	

**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-AB94

**RIN:** 0596-AB73

**405. LAND USES; SPECIAL USES REQUIRING AUTHORIZATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 251, 261, 295

**Completed:**

Reason	Date	FR Cite
Final Action	07/13/04	69 FR 41946
Final Action Effective	08/12/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks  
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**RIN:** 0596-AB74

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 292.16

**Completed:**

Reason	Date	FR Cite
NPRM	04/22/04	69 FR 21796
Final Action	09/13/04	69 FR 55092

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks

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**RIN:** 0596-AC00

**407. 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)

**Completed:**

Reason	Date	FR Cite
Merged With	10/29/04	
		0596-AB86

**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-AB86

**RIN:** 0596-AC01

**BILLING CODE** 3410-11-S

**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**
**Final Rule Stage**
**408. 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	12/00/04	

**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,  
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**RIN:** 0503-AA21

**409. GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL REFERENCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171, sec 9002

## USDA—AgSEC

## Final Rule Stage

**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
NPRM Comment Period End	02/17/04	
Final Action	11/00/04	

**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
**Department of Agriculture (USDA)  
Office of the Secretary (AgSEC)**
**Completed Actions**
**410. PARTICIPATION OF RELIGIOUS ORGANIZATIONS IN USDA PROGRAMS**
**Priority:** Other Significant**CFR Citation:** 7 CFR 16**Completed:**

Reason	Date	FR Cite
Final Action	07/09/04	69 FR 41375

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** Courtenay McCormick  
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**RIN:** 0503-AA27**BILLING CODE** 3410-90-S
**Department of Agriculture (USDA)  
Rural Business—Cooperative Service (RBS)**
**Proposed Rule Stage**
**411. 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	06/00/05	
NPRM Comment Period End	08/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569  
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**RIN:** 0570-AA24
**412. 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	02/00/05	
NPRM Comment Period End	04/00/05	

**Regulatory Flexibility Analysis Required:** Yes

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

**Agency Contact:** Debi Raygor, Loan Specialist, B&I Processing Branch, Department of Agriculture, Rural

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## Proposed Rule Stage

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RIN: 0570-AA26

#### 413. 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	07/00/05	
NPRM Comment Period End	09/00/05	

##### Regulatory Flexibility Analysis

**Required:** Undetermined

##### Government Levels Affected:

Undetermined

**Agency Contact:** Cindy Mason, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250-3225  
Phone: 202 690-1433  
Fax: 202-720-2213  
Email: cindy.mason@usda.gov

RIN: 0570-AA28

#### 414. ANNUAL RENEWAL FEE

**Priority:** Other Significant

**Legal Authority:** 7 USC 1932

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service is amending its regulation for Business and Industry Guaranteed Loans to provide for an annual renewal fee. The intended effect of this rule is to reduce the subsidy

rate and its associated budget authority dollar level, which will result in a higher supportable loan level.

##### Timetable:

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

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

##### Government Levels Affected:

Undetermined

**Agency Contact:** Robin Pulkkinen, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250-3221  
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RIN: 0570-AA34

#### 415. 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	06/00/05	
NPRM Comment Period End	08/00/05	

##### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Local, Tribal

**Federalism:** Undetermined

**Agency Contact:** Brenda Griffin, Loan Specialist, B&I Processing Division,

Department of Agriculture, Rural Business—Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250

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RIN: 0570-AA41

#### 416. NATIONAL SECURITY EMERGENCY

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

**Legal Authority:** 7 USC 1963

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service (RBS) proposes to streamline procedures for loans and grants for existing business and industry direct and guarantee loan programs. This rulemaking will also establish emergency regulations for the community facilities program currently administered within the Rural Housing Service (RHS).

##### Timetable:

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

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569  
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RIN: 0570-AA48

#### 417. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS

**Priority:** Other Significant

**Legal Authority:** 7 USC 8106

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Section 9006 of the Farm Security and Rural Investment Act of 2004 directs the implementation of a

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## Proposed Rule Stage

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	10/05/04	69 FR 59650
NPRM Comment Period End	11/05/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Georg Schultz, Special Assistant Deputy Administrator, Business Programs, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3220, Washington, DC 20250–3220  
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Email: georg.schultz@usda.gov

**RIN:** 0570–AA50

**418. • SECONDARY MARKET POOLING BY FISCAL TRANSFER AGENT**

**Priority:** Other Significant

**Legal Authority:** 7 USC 1988, sec 388

**CFR Citation:** 7 CFR 4279

**Legal Deadline:** None

**Abstract:** This regulation provides for the development of pool certificates that are fully backed by the USDA guarantee to enhance the RBS business and industry secondary market fiscal transfer initiative and conform it more to the longstanding Small Business Administration secondary market program.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250–1569  
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**RIN:** 0570–AA53

**419. • BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—IMPLEMENT THE DEBT COLLECTION IMPROVEMENT ACT (DCIA) OF 1996**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service proposes to revise RD Instruction 4279-B to require personal and corporate guarantees for the term of the guaranteed loan; and to develop Agency approved personal and corporate guaranteed forms to identify that the financial assistance received is a Federal debt and subject to the Debt Collection Improvement Act of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Agency Contact:** David W. Lewis, Branch Chief, B&I Servicing Branch, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250  
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Email: david.lewis@usda.gov

**RIN:** 0570–AA54

## Department of Agriculture (USDA)

## Final Rule Stage

## Rural Business—Cooperative Service (RBS)

**420. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 7 USC 940c

**CFR Citation:** 7 CFR 1703, subpart B; 7 CFR 4280, subpart A

**Legal Deadline:** None

**Abstract:** This action improves the ease of use by the public and program beneficiaries. The regulations will simplify the application format, review and selection process, and recipient's recordkeeping requirements. It will also

add a section on the appeal of adverse decisions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/99	64 FR 69937
NPRM Comment Period End	02/14/00	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kenya Nicolas, Loan Specialist, B&I Specialty Lenders Division, Department of Agriculture,

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**RIN:** 0570–AA19

**421. RURAL BUSINESS INVESTMENT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 107–171, sec 6029

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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## Final Rule Stage

**Abstract:** This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act, which authorizes the Rural Business Investment Program. The purpose of the program is the establishment of equity capital investment in Rural Business Investment Companies and other entities through a combination of grants and guarantees of debentures with the objective of fostering economic development in rural areas. By law, the program is required to be administered by another Federal agency that has considerable expertise in operating a similar program. The Rural Business-Cooperative Service has contracted with the Small Business Administration.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 32200
Interim Final Rule Comment Period End	07/08/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Michael Foore, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250  
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**RIN:** 0570-AA35

**422. 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:** Section 6020 of the Farm Security and Rural Investment Act of 2002 changed the definition of rural and rural area in the Consolidated Farm and Rural Development Act for certain programs including the Rural Business Enterprise Grant (RBEG) program. The definition now reads “any area other than a city or town that has a

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

The Consolidated Farm and Rural Development Act also amended the definition of small and emerging private business enterprise to include nonprofit entities and other tax exempt organizations who have a principal office located on land of an existing or former Native American reservation in a city, town, or unincorporated area that has a population of not more than 5,000 inhabitants as an eligible small 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:** Cindy Mason, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business-Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250-3225  
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**RIN:** 0570-AA36

**423. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPANDED ELIGIBILITY CRITERIA**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Section 6013 of the Farm Security and Rural Investment Act of 2002 adds other renewable energy systems as an eligible loan purpose. Section 6017 expands eligibility criteria for loans to cooperatives and loan guarantees in nonrural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/04	
Interim Final Rule Comment Period End	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250  
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**RIN:** 0570-AA39

**424. 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

## USDA—RBS

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**Agency Contact:** Lori Washington, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business-Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250  
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**RIN:** 0570-AA42

#### 425. FISCAL TRANSFER AGENT—SECONDARY MARKET SALES OF GUARANTEED LOANS

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

**Legal Authority:** 7 USC 1988; 7 USC 1989

**CFR Citation:** 7 CFR 4279-A; 7 CFR 4279-C

**Legal Deadline:** None

**Abstract:** Section 338(b)(2)(A) of the Consolidated Farm and Rural Development Act (CONACT) authorizes the Secretary, either directly or through a market maker, to issue pool certificates representing ownership of part or all of the guaranteed portion of any loan guaranteed by the Secretary for certain guaranteed programs.

The sale of Government guaranteed loan portions to investors in the secondary market increases earnings, liquidity, and the capital available to lenders. Lenders in the Small Business Administration (SBA) 7(a) loan program are selling loans by using an SBA-approved Fiscal Transfer Agent (FTA) that pools and markets loans on the secondary market. Rural Development seeks to use Section 338(b)(2)(A) of the CONACT to provide the same service to lenders.

#### Timetable:

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46509
NPRM Comment Period End	10/06/03	
Final Action	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:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569  
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**RIN:** 0570-AA47

#### 426. 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 3 years) and 50 percent for new businesses. Construction financing is not an eligible energy loan purpose; energy projects that produce biomass fuel, biogas, fuel cells, or batteries as an output must have completed two operating cycles at design performance levels acceptable to the Agency.

#### Timetable:

Action	Date	FR Cite
NPRM	01/16/04	69 FR 2521
NPRM Comment Period End	03/16/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569  
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**RIN:** 0570-AA49

**BILLING CODE 3410—XY—S**

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

### Proposed Rule Stage

#### 427. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

## USDA—RUS

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB40

#### 428. SERVICING OF WATER PROGRAMS LOANS AND GRANTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service proposes to consolidate and amend the regulations utilized to service water and waste loan and grant programs. Unnecessary and burdensome requirements for water and waste loan and grant servicing under the program will be eliminated. The streamlining will allow RUS to provide better service to entities needing assistance in resolving financial and economic problems in their communities and in general improve the quality of life in rural areas.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB59

#### 429. 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	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB76

#### 430. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB91

#### 431. • ELIMINATION OF SUBPART M: OPERATIONAL CONTROLS

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

**Legal Authority:** 7 USC 901 et seq, 1921 et seq, 6941 et seq

**CFR Citation:** 7 CFR 1717

**Legal Deadline:** None

**Abstract:** RUS proposes the elimination of subpart M as it has achieved the goal of providing a bridge during the transition from old to new loan documents. Most borrowers eligible for new loan documents have already made the change and many of the remaining "legacy" borrowers do not plan to be active borrowers in the future. The removal of this section of the regulations is proposed as it has served the intended purpose.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**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-AB97

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

Final Rule Stage

**432. 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	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB75

**433. 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 Period End	07/09/04	
Final Action	11/00/04	

**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-AB77

**434. 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	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB85

**435. • DEFINITION CLARIFICATION OF STATE NONMETROPOLITAN MEDIAN HOUSEHOLD INCOME (SNMHI)**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1932; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1775; 7 CFR 1777; 7 CFR 1778; 7 CFR 1780; 7 CFR 1942; 7 CFR 3570; 7 CFR 4274; ...

**Legal Deadline:** None

**Abstract:** RHS, RBS, RHS and RUS are amending their regulations to reflect the clarification of the definition of State Nonmetropolitan Median Household Income (SNMHI).

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/04	69 FR 48174
NPRM Comment Period End	09/08/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB96



**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**
**Completed Actions**
**436. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION PURPOSES**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1720

**Completed:**

Reason	Date	FR Cite
Final Action	10/29/04	69 FR 63045
Final Action Effective	11/29/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 0572-AB83

**437. SALE OR TRANSFER OF CAPITAL ASSETS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1717

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/15/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB84

**438. ELECTRIC SYSTEM EMERGENCY RESTORATION PLAN**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1730

**Completed:**

Reason	Date	FR Cite
Final Action	10/12/04	69 FR 60537

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB92

**439. HOUSEHOLD WATER WELL SYSTEM GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1776

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	10/06/04	69 FR 59764
Comment Period End	11/05/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB93

**440. BROADBAND GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1739

**Completed:**

Reason	Date	FR Cite
NPRM	05/14/04	69 FR 26777
Final Action	07/28/04	69 FR 44896

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB94

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1783

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	10/06/04	69 FR 59770
Comment Period End	11/05/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB95

**BILLING CODE 3410-15-S**

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**
**Final Rule Stage**
**442. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

## USDA—NRCS

## Final Rule Stage

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**RIN:** 0578-AA27

**443. EMERGENCY WATERSHED PROTECTION PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 25 in part II of this issue of the **Federal Register**.  
**RIN:** 0578-AA30

**444. TECHNICAL SERVICE PROVIDER ASSISTANCE**

**Regulatory Plan:** This entry is Seq. No. 26 in part II of this issue of the **Federal Register**.  
**RIN:** 0578-AA35

**445. CONSERVATION SECURITY PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 27 in part II of this issue of the **Federal Register**.  
**RIN:** 0578-AA36

**446. GRASSLAND RESERVE**

**Regulatory Plan:** This entry is Seq. No. 28 in part II of this issue of the **Federal Register**.  
**RIN:** 0578-AA38

**447. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION**

**Regulatory Plan:** This entry is Seq. No. 29 in part II of this issue of the **Federal Register**.  
**RIN:** 0578-AA40

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

## Completed Actions

**448. NRCS EQUITABLE RELIEF PROCEDURES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 7 CFR 635

**Completed:**

Reason	Date	FR Cite
Final Action	09/21/04	69 FR 56345

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0578-AA39  
**BILLING CODE** 3410-16-S

**Department of Agriculture (USDA)**  
**Office of Procurement and Property Management (OPPM)**

## Final Rule Stage

**449. 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0599-AA11  
[FR Doc. 04-23632 Filed 12-10-04; 8:45 am]  
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