



# Federal Register

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**Monday,  
October 31, 2005**

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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 2005**

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Semiannual regulatory agenda.

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

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

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

For 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:** September 9, 2005.

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

**Agricultural Marketing Service—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
164	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) .....	0581-AB97
165	Perishable Agricultural Commodities Act: Trust Rights (FV-05-373) .....	0581-AC53

**Agricultural Marketing Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
166	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003) .....	0581-AC25
167	The National Organic Program: Amending the National List (TM-04-01), Crops and Processing .....	0581-AC35
168	Honey Research and Promotion: Packer/Importer Board (FV-03-704) .....	0581-AC37
169	The National Organic Program: National List—Crops, Livestock, and Processing (TM-04-04) .....	0581-AC38
170	Fresh Fruits and Vegetables, Increase in Fees (FV-04-310) .....	0581-AC46
171	Update and Clarify a Shell Egg Grading Definition (PY-05-003) .....	0581-AC47
172	Changes in Fees and Hourly Fee Rates for Science and Technology Laboratory Services (ST-05-01) .....	0581-AC48
173	Changes in Fees for Federal Meat Grading and Certification Services (LS-05-05) .....	0581-AC49
174	National Organic Program: Sunset (Expiration) of Allowances and Prohibitions Contained on the National List (TM-04-07) .....	0581-AC51
175	Standards for Condition of Food Containers (FV-05-332) .....	0581-AC52
176	National Organic Program: Harvey v. Johanns ( <b>Reg Plan Seq No. 1</b> ) .....	0581-AC54

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

**Agricultural Marketing Service—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
177	Quality Systems Verification Program (LS-02-10) .....	0581-AC12
178	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
179	USDA Farmers’ Market Operating Procedures (TM-04-09) .....	0581-AC39

## USDA

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

Sequence Number	Title	Regulation Identifier Number
180	California Clingstone Peach Diversion Program (Tree Pull), FV05-82-01 ( <b>Reg Plan Seq No. 3</b> ) .....	0581-AC45
181	Eligibility Requirements for USDA Graded Shell Eggs (PY-98-006) .....	0581-AC50

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

## Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
182	Plant Variety Protection (PVP) Certificates: Fee Increase (ST-05-02) .....	0581-AC42

## Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
183	National Dairy Promotion and Research Program (DA-02-03) .....	0581-AC16
184	Plant Variety Protection Services, Supplemental (ST-02-02) .....	0581-AC31
185	User Fees for 2005 Crop Cotton Classification Services to Growers (CN-05-001) .....	0581-AC43
186	Egg, Poultry, and Rabbit Grading: Increase in Fees (2005) (PY-05-001) .....	0581-AC44

## Agricultural Research Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
187	Rules of Conduct at the United States National Arboretum .....	0518-AA02

## Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
188	Retaining Preferred Lender Program (PLP) Status, Processing Loss Claims, Payment of Interest Accrued During Bankruptcy, and Redemption Rights Periods for Guaranteed Loans .....	0560-AH07
189	Planting Reporting for Tropical Crops—Noninsured Crop Disaster Assistance Program .....	0560-AH19
190	Grains and Similarly Handled Commodities—Marketing Assistance Loans and Loan Deficiency Payments for the 2002 Through 2007 Crop Years .....	0560-AH38

## Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
191	Policy for Certain Commodities Available for Sale .....	0560-AH22
192	Appraisal Updates .....	0560-AH33
193	Transfer of Sugar Marketing Allocations .....	0560-AH37

## USDA

## Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
194	Amendments to the Standards for Approval of Warehouses for Commodity Credit Corporation Storage Contracts	0560-AE50
195	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs	0560-AF60
196	Interest Assistance Program	0560-AG46
197	Ocean Freight Claims Administrative Appeal Process	0560-AG49
198	2002 Farm Bill Regulations—Assistance for Livestock Producers	0560-AG76
199	Clarification of Informal Appeals Procedures	0560-AG88
200	Selection of FSA State and County Committees	0560-AG90
201	Environmental Compliance and Related Concerns	0560-AH02
202	Debt Collection, Debt Settlement, and Assignment of Payments	0560-AH09
203	Payment Limitation and Payment Eligibility; Trade Adjustment Assistance for Farmers	0560-AH16
204	Disaster Declaration and Designation	0560-AH17
205	Conservation Contract Debt Write-Down	0560-AH23
206	2004 Cottonseed Program	0560-AH29
207	Confidentiality of Conservation Program Information	0560-AH32
208	Guaranteed Loans—Unauthorized Assistance	0560-AH34
209	Extra Long Staple Cotton Prices	0560-AH36

## Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
210	Designated Marketing Associations for Peanuts	0560-AH20
211	American Indian Livestock Feed Program	0560-AH26
212	2004 Dairy Assistance Program	0560-AH28
213	Collection of State Commodity Assessments	0560-AH35

## 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	Tuberculosis in Cattle; Import Requirements ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 4</b> )	0579-AB44
216	Karnal Bunt Compensation	0579-AB45
217	Animal Welfare; Regulations and Standards for Birds, Rats, and Mice ( <b>Reg Plan Seq No. 5</b> )	0579-AB69
218	Revision of Fruits and Vegetables Import Regulations ( <b>Reg Plan Seq No. 6</b> )	0579-AB80
219	Revision of the Nursery Stock Regulations ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 7</b> )	0579-AB85
220	Viruses, Serums, Toxins, and Analogous Products; Records and Reports	0579-AB90
221	Boll Weevil; Quarantine and Regulations	0579-AB91
222	Trichinae Certification Program	0579-AB92
223	Importation of Boneless Beef from Japan ( <b>Reg Plan Seq No. 8</b> )	0579-AB93

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

Sequence Number	Title	Regulation Identifier Number
224	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
225	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579-AB35
226	Gypsy Moth; Interstate Movement of Regulated Articles ( <b>Section 610 Review</b> )	0579-AB55
227	Pine Shoot Beetle Host Material From Canada	0579-AB76
228	Importation of Small Lots of Seed Without Phytosanitary Certificates ( <b>Reg Plan Seq No. 9</b> )	0579-AB78
229	Importation of Swine and Swine Products From the European Union	0579-AB79
230	Phytophthora Ramorum; Quarantine and Regulations ( <b>Reg Plan Seq No. 10</b> )	0579-AB82

## USDA

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

Sequence Number	Title	Regulation Identifier Number
231	Requirements for Requests To Amend Import Regulations .....	0579-AB83
232	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements .....	0579-AB84
233	User Fees for Agricultural Quarantine and Inspection Services .....	0579-AB88
234	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border .....	0579-AB94

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

Sequence Number	Title	Regulation Identifier Number
235	Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....	0579-AA80
236	Importation of Fuji Variety Apples From the Republic of Korea .....	0579-AA93
237	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
238	Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....	0579-AB26
239	Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....	0579-AB29
240	Importation of Milk and Milk Products From FMD Countries .....	0579-AB38
241	Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species .....	0579-AB43
242	Methyl Bromide; Authorization as Official Quarantine Use .....	0579-AB54

## Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
243	Cost-Sharing for Animal and Plant Health Emergency Programs .....	0579-AB50
244	Bovine Spongiform Encephalopathy; Minimal Risk Regions and Importation of Commodities .....	0579-AB73
245	Federal Measures To Mitigate BSE Risks: Considerations for Further Action .....	0579-AB86
246	Introductions of Plants Genetically Engineered To Produce Industrial Compounds .....	0579-AB89

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

Sequence Number	Title	Regulation Identifier Number
247	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
248	Guidelines for Hatch Multistate Research Fund .....	0524-AA29
249	Revised Administrative Provisions—Small Business Innovation Research Grants Program .....	0524-AA31

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

Sequence Number	Title	Regulation Identifier Number
250	CSREES Agricultural Extension Formula Programs—Administrative Provisions .....	0524-AA26
251	CSREES Agricultural Research Formula Programs—Administrative Provisions .....	0524-AA27
252	CSREES Non-Formula Grant Programs—Administrative Provisions .....	0524-AA28

## USDA

## Rural Housing Service—Proposed Rule Stage

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

## Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
263	Multi-Family Housing (MFH) Reinvention .....	0575-AC13
264	Guaranteed Single-Family Housing .....	0575-AC18

## Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
265	Environmental Policies and Procedures .....	0575-AC61

## Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
266	General Administrative Regulations; Sanctions .....	0563-AB73
267	General Administrative Regulations; Actual Production History (APH) .....	0563-AB83
268	Common Crop Insurance Regulations and Various Crop Insurance Provisions .....	0563-AB96
269	Common Crop Insurance Regulations, Peanut Crop Insurance Provisions .....	0563-AB97
270	Common Crop Insurance Regulations, Tobacco Crop Insurance Provisions .....	0563-AB98
271	Common Crop Insurance Regulations, Cabbage Crop Insurance Provisions .....	0563-AB99
272	Common Crop Insurance Regulations, Cultivated Wild Rice Crop Insurance Provisions .....	0563-AC00
273	Common Crop Insurance Regulations, Florida Citrus Fruit Crop Insurance Provisions .....	0563-AC01
274	Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions .....	0563-AC02
275	Common Crop Insurance Regulations, Mint Crop Insurance Provisions .....	0563-AC03
276	Common Crop Insurance Regulations, Mustard Crop Insurance Provisions .....	0563-AC04
277	Common Crop Insurance Regulations, Northern Potato Crop Insurance Provisions .....	0563-AC05
278	General Administrative Regulations; Appeal Procedures and Standards for Approval—Reinsurance Agreement .....	0563-AC06

## Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
279	General Administrative Regulations; Nonstandard Underwriting Classification System .....	0563-AB66

## USDA

## Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
280	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions .....	0563-AB80
281	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums .....	0563-AB84
282	General Administrative Regulations; Subpart V—Premium Reduction Plans .....	0563-AB95

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

Sequence Number	Title	Regulation Identifier Number
283	Process Verification Service and Associated Fees .....	0580-AA85
284	Export Inspection and Weighting Waiver for High Quality Specialty Grains Transported in Containers .....	0580-AA87
285	Review Inspection Requirements for Graded Commodities .....	0580-AA89
286	United States Standards for Soybeans .....	0580-AA90
287	United States Standards for Sorghum .....	0580-AA91

## Grain Inspection, Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
288	Fees Assessed by the Service .....	0580-AA88

## Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
289	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program .....	0584-AB51
290	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....	0584-AD12
291	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....	0584-AD15
292	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ..	0584-AD25
293	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions .....	0584-AD36
294	FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171 ( <b>Reg Plan Seq No. 11</b> ) .....	0584-AD37
295	Child Nutrition Programs: National School Lunch Program; Serving Fruits and Vegetables as Afterschool Snacks ..	0584-AD40
296	Data Collection Related to Institutions, Organizations, Sites, and Facilities .....	0584-AD43
297	FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns .....	0584-AD44
298	Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions, Including Contracts With Food Service Management Companies .....	0584-AD45
299	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
300	FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems .....	0584-AD48
301	Special Nutrition Programs: Fluid Milk Substitutions ( <b>Reg Plan Seq No. 12</b> ) .....	0584-AD58
302	Food Distribution Programs—Distributing Agency Evaluations of Non-Commercial Warehousing and Distribution Systems, Cost Comparisons, System Approval and Implementation .....	0584-AD72
303	WIC Farmers' Market Nutrition Program (FMNP): Implementation of the FMNP Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265) and FMNP Funding Formula .....	0584-AD74
304	Food Stamp Program: Expiration of Residual Paper Coupons .....	0584-AD75
305	Revisions and Clarifications in Requirements for the Processing of Donated Foods for Use in the National School Lunch Program and Other Food Assistance Programs .....	0584-AD76
306	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages ( <b>Reg Plan Seq No. 13</b> ) .....	0584-AD77

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## USDA

## Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
307	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....	0584-AB10
308	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....	0584-AC37
309	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....	0584-AC72
310	FSP: Civil Rights Data Collections .....	0584-AC75
311	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....	0584-AC95
312	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments ....	0584-AD16
313	Afterschool Snacks Under the Child and Adult Care Food Program .....	0584-AD27
314	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD28
315	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 14</b> ) .....	0584-AD30
316	FSP: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171 ( <b>Reg Plan Seq No. 15</b> ) .....	0584-AD31
317	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 16</b> ) .....	0584-AD32
318	Senior Farmers' Market Nutrition Program (SFMNP) .....	0584-AD35
319	Procurement Requirements for the National School Lunch, School Breakfast, and Special Milk Programs .....	0584-AD38
320	Severe Need Assistance in the School Breakfast Program .....	0584-AD50
321	District-Wide Use of Provisions 2 and 3 .....	0584-AD51
322	State Administrative Expenses .....	0584-AD53
323	Applying for Free and Reduced Price Meals in Schools .....	0584-AD54
324	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
325	National School Lunch Program: Marketing and Sales of Fluid Milk Products in Schools .....	0584-AD57
326	Nutrition Standards in the National School Lunch and School Breakfast Programs .....	0584-AD59
327	Categorical Eligibility and Direct Certification for Free and Reduced Price Meals and Free Milk in Schools ( <b>Reg Plan Seq No. 17</b> ) .....	0584-AD60
328	Revised Verification Procedures in the School Meals Programs .....	0584-AD61
329	School Food Safety: Hazard Analysis and Critical Control Point System .....	0584-AD65
330	Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child Nutrition Programs .....	0584-AD68
331	Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option for Schools Participating in the National School Lunch Program .....	0584-AD70
332	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment ( <b>Reg Plan Seq No. 18</b> ) .....	0584-AD71
333	WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265) .....	0584-AD73

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## Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
334	Child and Adult Care Food Program: Improving Management and Program Integrity .....	0584-AC24
335	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94
336	Administrative Error Reduction in the School Meals Programs .....	0584-AD52

## Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
337	Commodity Supplemental Food Program (CSFP): Plain Language, Program Accountability, and Program Flexibility .....	0584-AC84
338	Categorical Eligibility of Certain Migratory, Homeless, and Runaway Youth .....	0584-AD62
339	Food Safety Inspections, Audits, and Reports .....	0584-AD64



## USDA

## Food and Nutrition Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
340	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
341	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

## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
342	Performance Standards for Pumped or Massaged Bacon ( <b>Reg Plan Seq No. 19</b> ) .....	0583-AC49
343	Egg Products Inspection Regulations ( <b>Reg Plan Seq No. 20</b> ) .....	0583-AC58
344	Prior Labeling Approval System: Generic Label Approval .....	0583-AC59
345	Petitions for Rulemaking .....	0583-AC81
346	Performance Standard for Chilling of Ready-To-Cook Poultry ( <b>Reg Plan Seq No. 21</b> ) .....	0583-AC87
347	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
348	Food Defense Plans .....	0583-AD06
349	Accredited Laboratory Program .....	0583-AD09
350	Sharing of Firms' Distribution Lists of Retail Consignees During Meat or Poultry Product Recalls ( <b>Reg Plan Seq No. 22</b> ) .....	0583-AD10
351	Electronic Signatures .....	0583-AD14
352	Definitions and Procedures for Determining the Net Weight Compliance of Meat and Poultry Products .....	0583-AD17
353	Allowing Bar-Type Cut Turkey Operations To Use J-Type Cut Maximum Line Speeds .....	0583-AD18

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## Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
354	Performance Standards for the Production of Processed Meat and Poultry Products ( <b>Reg Plan Seq No. 23</b> ) .....	0583-AC46
355	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products ( <b>Reg Plan Seq No. 24</b> ) .....	0583-AC60
356	Food Standards; General Principles and Food Standards Modernization ( <b>Reg Plan Seq No. 25</b> ) .....	0583-AC72
357	Performance Criteria for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
358	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
359	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. 26</b> ) .....	0583-AC88
360	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems .....	0583-AD00
361	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle .....	0583-AD03
362	Frequency of Foreign Inspection System Supervisory Visits to Certified Foreign Establishments .....	0583-AD08
363	Increases in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Years 2004 to 2008 .....	0583-AD12
364	Addition of Chile to the List of Countries Eligible To Export Meat and Meat Products to the United States .....	0583-AD16

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## Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
365	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
366	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States ....	0583-AC91
367	Requiring Industry E. Coli O157:H7 Test Results for Raw Beef Products Be Maintained in One Specific Location in the Establishment .....	0583-AD11

## USDA

## Food Safety and Inspection Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
368	Termination of Designation of the State of North Dakota With Respect to the Inspection of Poultry Products .....	0583-AD13

## Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
369	Quality Samples Program .....	0551-AA68

## Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
370	New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530 .....	0551-AA65

## Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
371	Indian Allotments on National Forest System Lands .....	0596-AA52
372	Species Surplus to Domestic Manufacturing Needs .....	0596-AB27
373	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....	0596-AB45
374	Law Enforcement Support Activities .....	0596-AB61
375	Noncompetitive Sale of Timber; Timber Substitution .....	0596-AB70
376	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....	0596-AB75
377	Locatable Minerals .....	0596-AB98
378	Grazing Permit Administration (Interim Directives, Forest Service Handbook 2209.13, Chapters 10 and 20) .....	0596-AC12
379	Climbing Bolts In Wilderness (Proposed Interim Directive, Forest Service Manual, Chapter 2320) .....	0596-AC21
380	Recreation Event Fees (Proposed Directive, Forest Service Manual, Chapter 2720) .....	0596-AC24
381	Outfitter and Guide Special Use Authorizations (Proposed Directives, Forest Service Handbook 2709.11, Chapters 30 and 40) .....	0596-AC25
382	Secretary Determination That Domestic Species of Unprocessed Timber Are Surplus to Domestic Needs Within the Zone of Southern California .....	0596-AC27
383	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities .....	0596-AC28
384	Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires .....	0596-AC30
385	Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands .....	0596-AC31
386	National Environmental Policy Act (NEPA) Documentation for Sporicide Use on National Forest System Lands (Proposed Directive, Forest Service Handbook 1909.15, Chapter 30) .....	0596-AC32
387	Piscicide Applications on National Forest System Lands .....	0596-AC33
388	National Environmental Policy Act (NEPA) Compliance Documentation for Surface Use Plans of Operation for Exploration or Development of an Oil and Gas Lease (Proposed Directive, FSH 1909.15, Ch. 30) .....	0596-AC34
389	Wilderness Management (Proposed Directives, Forest Service Manual, Chapter 2320) .....	0596-AC36
390	Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations .....	0596-AC38
391	Travel Management (Proposed Directives, Forest Service Manual 2300 and 7700) ( <b>Reg Plan Seq No. 27</b> ) .....	0596-AC39
392	Advertising and Sponsorship in Concessions With Privately Developed Facilities .....	0596-AC41

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

## USDA

## Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
393	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts .....	0596-AB21
394	Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations .....	0596-AB36
395	Special Forest Products and Forest Botanical Products .....	0596-AB81
396	Determining Fair Market Value for Recreation Residence Use Authorizations .....	0596-AB83
397	National Forest System Land Management Planning Categorical Exclusion (Final Directive, Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB86
398	Forest Service Trails Accessibility Guidelines (Final Interim Directive, Forest Service Manual, Chapter 2350) .....	0596-AB92
399	Forest Service Outdoor Recreation Accessibility Guidelines (Final Interim Directive, Forest Service Manual, Chapter 2330) .....	0596-AB93
400	Community and Private Land Forest Fire Assistance Program .....	0596-AB96
401	National Forest System Land Management Planning Directives (Final Directives, Forest Service Manual, Chapter 1330, 1900, and Forest Service Handbook 1909.12) .....	0596-AC02
402	Delegation of Authority To Approve Free Use by Individuals .....	0596-AC09
403	Travel Management, Designated Routes, and Areas for Motor Vehicle Use .....	0596-AC11
404	Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003 .....	0596-AC15
405	Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts .....	0596-AC16
406	Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations .....	0596-AC20
407	Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts) .....	0596-AC26
408	Market-Related Contract Term Additions .....	0596-AC29
409	Federal Lands Recreation Enhancement Act Implementation .....	0596-AC35
410	Revisions Regarding Advertisement and Bids .....	0596-AC40

## Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
411	Watershed Forestry Assistance Program .....	0596-AC18
412	Tribal Watershed Forestry Assistance Program .....	0596-AC19
413	Predator Damage Management (Proposed Directive, Forest Service Manual, Chapter 2320) .....	0596-AC22

## Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
414	Special Areas; Roadless Area Conservation; Applicability to National Forest System Lands in Alaska .....	0596-AC05
415	State Petitions for Inventoried Roadless Area Management .....	0596-AC10
416	National Forest System Appeals and Litigation (Final Directives, Forest Service Manual, Chapter 1570) .....	0596-AC13
417	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
418	Maximum Term for Outfitter/Guide Special Use Authorizations (Proposed Directive, Forest Service Handbook 2709.11, Chapter 40) .....	0596-AC23

## Office of the General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
419	Department of Agriculture Civil Monetary Penalties Adjustment .....	0510-AA01

## USDA

## Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
420	Voluntary Labeling Program for Designated Biobased Products .....	0503-AA28

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
421	General Nonprocurement Regulations .....	0503-AA21
422	Designation of Biobased Items for Federal Procurement .....	0503-AA29

## Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
423	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock .....	0570-AA26
424	Business and Industry Loan Program—Rewrite of Program Regulations .....	0570-AA41
425	National Security Emergency .....	0570-AA48
426	Secondary Market Pooling by Fiscal Transfer Agent .....	0570-AA53
427	Equal Opportunity for Religious Organizations .....	0570-AA61

## Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
428	Rural Economic Development Loan and Grant Program .....	0570-AA19
429	Rural Business Investment Program .....	0570-AA35
430	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria .....	0570-AA39
431	Fiscal Transfer Agent—Secondary Market Sales of Guaranteed Loans .....	0570-AA47
432	Tangible Net Equity .....	0570-AA49
433	Business and Industry Guaranteed Loan Program—Implement the Debt Collection Improvement Act (DCIA) of 1996 .....	0570-AA54

## Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
434	Affirmative Fair Housing Marketing Plan .....	0570-AA24
435	Annual Renewal Fee .....	0570-AA34
436	Intermediary Relending Program .....	0570-AA42
437	Renewable Energy Systems and Energy Efficiency Improvements .....	0570-AA50

## Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
438	Telecommunications Standards and Specifications for Materials, Equipment, and Construction .....	0572-AB40
439	Water and Waste Loans and Grants .....	0572-AC03

## USDA

## Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
440	Servicing of Water Programs Loans and Grants .....	0572-AB59
441	Elimination of Subpart M: Operational Controls .....	0572-AB97
442	Public Television Station Digital Transition Grant Program .....	0572-AC02
443	Rural Area Definitions for RUS WEP Programs .....	0572-AC04

## Rural Utilities Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
444	Special Equipment Contract (Not Including Installation), RUS Form 398 .....	0572-AB76
445	Exemption of Certain Borrowers From Controls .....	0572-AB85
446	Telecommunications System Construction Policies and Procedures .....	0572-AB98
447	Lien Accommodations and Subordinations for 100 Percent Private Financing .....	0572-AB99
448	Seismic Safety .....	0572-AC01

## Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
449	Accounting Requirements for RUS Telecommunications Borrowers .....	0572-AB77
450	Household Water Well System Grant Program .....	0572-AC00

## Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
451	Conservation Security Program .....	0578-AA36
452	Grassland Reserve .....	0578-AA38

## Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
453	Confidentiality of Conservation Program Information .....	0578-AA40

## National Agricultural Statistical Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
454	Dairy Product Mandatory Reporting .....	0535-AA00

## Office of Procurement and Property Management—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
455	Agriculture Acquisition Regulation (AGAR): Use of Biobased Materials .....	0599-AA12

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

Prerule Stage

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 6501 through 6522

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is revising regulations pertaining to labeling of agricultural products as organically produced and handled (7 CFR part 205). The term "aquatic animal" will be incorporated in the definition of livestock to establish production and handling standards for operations that capture aquatic animals from the wild. AMS has defined "aquatic animal" as any finfish or shellfish used for human consumption, whether taken from regulated but free roaming marine and fresh water populations (wild captured) or propagated and raised in a controlled or selected environment (aquaculture). Production standards for operations producing aquatic animals will incorporate requirements for livestock origin, feed ration, health care, living conditions, and recordkeeping. Handling standards for such operations will address prevention of commingling of organically produced commodities and prevention of contact between organically produced and prohibited substances.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

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

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 720-3252  
 Fax: 202 205-7808  
 Email: mark.bradley@usda.gov

**RIN:** 0581-AB97

**165. • PERISHABLE AGRICULTURAL  
 COMMODITIES ACT: TRUST RIGHTS  
 (FV-05-373)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 4990

**CFR Citation:** 7 CFR 46

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS), PACA Branch, is issuing an advance notice of proposed rulemaking in response to concerns raised by the industry that sellers may lose their status as trust creditors when using electronic data interchange (EDI) for invoicing. The Perishable Agricultural Commodities Act (PACA) imposes a statutory trust on the assets, including inventory and receivables of a licensee or firms operating subject to the PACA that have not paid for perishable agricultural commodities.

The PACA provides that a creditor may preserve its rights under the trust by including specified language on billing or invoicing statements. In 1997, the PACA regulations were amended to state that electronic transmissions are considered "ordinary and usual billing and invoicing statements." While perfecting PACA trust rights on paper invoices is fairly straightforward, due to the nature of technology, perfecting trust rights using EDI is not. Sellers who use EDI transmissions to perfect their trust rights perceive a threat that their trust rights may not be preserved. AMS is soliciting comments on the preservation of PACA trust rights in connection with EDI invoicing so that the Agency will be able to provide greater direction to the industry of how PACA trust rights can be preserved when invoicing electronically.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Bruce W. Summers, Chief, PACA Branch, Fruit and Vegetable Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 720-4180  
 Fax: 202 690-4413  
 Email: bruce.summers@usda.gov

**RIN:** 0581-AC53

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

Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Johnson, Chief, Grading Branch, Poultry Programs, Department of Agriculture, Agricultural Marketing Service, USDA, AMS, Stop 0258-South, Washington, DC 20250  
 Phone: 202 690-3153  
 Fax: 202 690-2746  
 Email: charles.johnson@usda.gov

**RIN:** 0581-AC25

## USDA—AMS

## Proposed Rule Stage

**167. THE 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 regulations identify 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 (7 U.S.C. 6501 et seq.), 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 November 15, 2000, through March 3, 2005. Between the specified time period, the NOSB has recommended that the Secretary add 4 substances to section 205.601 and 11 substances to section 205.605 of the National List regulations. This proposed rule would also amend the mailing address for where to file a Certification or Accreditation appeal pursuant to section 205.681(d).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: mark.bradley@usda.gov

**RIN:** 0581-AC35**168. HONEY RESEARCH AND PROMOTION: PACKER/IMPORTER BOARD (FV-03-704)****Priority:** Routine and Frequent**Legal Authority:** 7 USC 7411 through 7425**CFR Citation:** 7 CFR 1212**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

**Agency Contact:** Margaret B. Irby, 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**169. THE 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:** On December 21, 2000, The Secretary of Agriculture (Secretary) established, within the National Organic Program (NOP), the National List regulations. The National List regulations identify synthetic substances and ingredients that are allowed and nonsynthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. Under the authority of the Organic Food Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501 et seq.), 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 List to reflect recommendations submitted to the Secretary by the NOSB from November 15, 2000, through March 3, 2005. Between the specified time period, the NOSB has recommended that the Secretary add fourteen substances to the National List regulations for organic livestock production.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808

## USDA—AMS

## Proposed Rule Stage

Email: mark.bradley@usda.gov

RIN: 0581-AC38

**170. • FRESH FRUITS AND VEGETABLES, INCREASE IN FEES (FV-04-310)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 51

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Services' Fresh Products Branch needs to increase fees by 15 percent in order to maintain the required reserve balance while continuing to provide first rate inspection services to customers.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rita Bibbs-Booth, Program Support Section Head, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Room 2049, South, Washington, DC 20250-0240  
Phone: 202 720-0391  
Fax: 202 720-5136  
Email: rita.bibbs-booth@usda.gov

RIN: 0581-AC46

**171. • UPDATE AND CLARIFY A SHELL EGG GRADING DEFINITION (PY-05-003)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1621 through 1627; 7 USC 1031 through 1056

**CFR Citation:** 7 CFR 56 and 57

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service routinely reviews its regulations to ensure that they are current and up-to-date. The latest review identified several changes that are needed to bring the regulations up-to-date with current egg production and processing technology. Changes include clarifying the definition of "washed ungraded eggs" and status eggs that have been sized.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charles L. Johnson, Acting Chief, Grading Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, STOP 0250, Washington, DC 20250  
Phone: 202 720-3271

RIN: 0581-AC47

**172. • CHANGES IN FEES AND HOURLY FEE RATES FOR SCIENCE AND TECHNOLOGY LABORATORY SERVICES (ST-05-01)**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 91; 7 CFR 92

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is proposing to increase the hourly fee rates for performing laboratory testing to the agricultural industry by approximately 24 percent each, yielding additional program revenues of \$1,248,000 annually. The current fees, last increased in October 2000, are no longer adequate to cover current obligations. The program must also maintain an adequate program reserve balance called for by Agency policy and prudent financial management. In addition, this proposed rule will eliminate obsolete laboratory tests from, and add new laboratory tests to, the fee schedules in the regulations. The hourly rate for each regular laboratory analysis will be based on an hourly rate of \$56.00. The premium laboratory rate for appeals, holiday, and overtime services will be \$84.00 per analysis hour.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James V. Falk, Docket Manager, Department of Agriculture,

Agricultural Marketing Service, Technical Services Branch, USDA, AMS, Science and Technology, Technical Services Branch, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-4089  
Fax: 202 720-6496  
Email: james.falk@usda.gov

RIN: 0581-AC48

**173. • CHANGES IN FEES FOR FEDERAL MEAT GRADING AND CERTIFICATION SERVICES (LS-05-05)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 54

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is proposing to increase the fees for voluntary meat grading and certification services provided by the Meat Grading and Certification Branch. This amendment will allow the Branch to offset increased operating expenses and decreased revenue hours and allow the Branch a 4-month operating reserve required by the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, L&S, Meat Grading Branch, STOP 0248, Room 2628-South, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-0343  
Fax: 202 690-4119  
Email: larry.meadows@usda.gov

RIN: 0581-AC49

**174. • NATIONAL ORGANIC PROGRAM: SUNSET (EXPIRATION) OF ALLOWANCES AND PROHIBITIONS CONTAINED ON THE NATIONAL LIST (TM-04-07)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 6501 through 6522



## USDA—AMS

## Proposed Rule Stage

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is revising regulations pertaining to the use of allowed and prohibited substances contained on the National List. The Organic Foods Production Act (OFPA), (7 U.S.C. 6501 et seq.), authorizes the establishment of the National List of allowed and prohibited substances. The National List identifies synthetic substances that are allowed and nonsynthetic substances that are prohibited in organic crop and livestock production. The National List also identifies nonsynthetics and synthetics that are allowed for use in organic handling.

The allowances and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires. This means that a synthetic substance currently allowed for use in organic production will no longer be allowed for use after October 21, 2007; a non-synthetic substance currently prohibited from use in organic production will be allowed after October 21, 2007; and a synthetic or nonsynthetic substance currently allowed for use in organic handling will be prohibited after October 21, 2007.

Expiration of the exempted or prohibited use of substances is provided for under the OFPA's sunset provision. AMS will conduct informal rulemaking to facilitate the sunset review of 165 exempted and 9 prohibited substances currently on the National List. On June 17, 2005, AMS published an ANPRM that establishes October 21, 2007, as the date by which the sunset review and renewal process

must be concluded. This ANPRM discussed how the NOP will manage the sunset review and renewal process. The ANPRM also began the public comment process on whether the existing specific exemptions or prohibitions on the National List should be continued for organic production and handling. The comment period for the ANPRM closed on August 16, 2005. The NOSB will have approximately 90 days from the close of the comment period to provide a recommendation to AMS concerning the continued use and prohibition of over 150 materials. AMS expects to publish a proposed rule by March 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: mark.bradley@usda.gov

**RIN:** 0581-AC51

**175. • STANDARDS FOR CONDITION OF FOOD CONTAINERS (FV-05-332)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1622 through 1624

**CFR Citation:** 7 CFR 42

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is proposing to revise regulations pertaining to 7 CFR part 42,

Standards for Condition of Food Containers. Periodically, AMS reviews inspection standards to determine if they meet current industry practices. Based on our most recent analysis, we believe that the standards need to be revised. The revisions are necessary in order to provide standards that reflect current U.S. industry practices. Revisions to the standards include, but are not limited to: (1) Incorporating new defects and updating current defects for metal, glass, rigid and semi-rigid, and flexible containers; (2) updating the standards to include new packaging technology such as aseptic packaging, metal cans with easy open lids, plastic rings that hold several containers together; and (3) removing the Operating Characteristic (OC) curves for on-line sampling and inspection.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	
Final Action	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lynne Eyre Yedinak, Food Technologist, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-9939  
Fax: 202 690-0102  
Email: fqastaff@usda.gov

**RIN:** 0581-AC52

**176. • NATIONAL ORGANIC PROGRAM: HARVEY V. JOHANNIS**

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

**RIN:** 0581-AC54

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

**Final Rule Stage**

**177. 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

## USDA—AMS

## Final Rule Stage

of the program to the Quality Systems Verification Program.

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17611
NPRM Comment Period End	05/09/05	
Final Action	12/00/05	

**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

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Email: james.riva@usda.gov

**RIN:** 0581–AC12

**178. 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

**179. USDA FARMERS' MARKET OPERATING PROCEDURES (TM–04–09)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 96

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is establishing operating procedures for the USDA Farmers Market. These procedures would allow

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/17/05	70 FR 8040
NPRM Comment Period End	04/18/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Errol R. Bragg, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Room 2646, South Building, Washington, DC 20250

Phone: 202 720–8317

Fax: 202 690–0031

Email: usdafmcomments@usda.gov.

**RIN:** 0581–AC39

**180. CALIFORNIA CLINGSTONE PEACH DIVERSION PROGRAM (TREE PULL), FV05–82–01**

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

**RIN:** 0581–AC45

**181. • ELIGIBILITY REQUIREMENTS FOR USDA GRADED SHELL EGGS (PY–98–006)**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 56

**Legal Deadline:** None

**Abstract:** Shell egg grading is a voluntary program provided under the Agricultural Marketing Act of 1946 and is offered on a fee-for-service basis. It is designed to assist the orderly marketing of shell eggs by providing for the official certification of egg quality, quantity, size, temperature, packaging, and other factors. Currently about one-third of the Nation's table eggs are marketed under the voluntary shell egg-grading program. Shell egg processors that choose to use this service pay a fee to have graders in their plants monitor processing operations and verify the grade and size of eggs packaged into packages bearing the USDA grade shield. The proposal would provide that, in order to be officially identified with a USDA consumer grade shield, shell eggs must not be more than 15 days old (or some other period between 15 and 30 days if justified by public comment) and must not have been previously shipped for retail sale.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40522
NPRM Comment Period End	09/27/99	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David Bowden, Jr., Chief, Standardization Branch, Poultry Programs, Department of Agriculture, Agricultural Marketing Service, Room 3944–S, MS 0259, 1400 Independence Avenue SW, Washington, DC 20250–0259

Phone: 202 720–3506

Fax: 202 690–0941

Email: david.bowden@usda.gov

**Related RIN:** Previously reported as 0581–AB56

**RIN:** 0581–AC50

**Department of Agriculture (USDA)**  
**Agricultural Marketing Service (AMS)**
**Long-Term Actions**
**182. PLANT VARIETY PROTECTION (PVP) CERTIFICATES: FEE INCREASE (ST-05-02)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 97

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/05	70 FR 40921
NPRM Comment	08/15/05	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janice M. Strachan  
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 Fax: 301 504-5291  
 Email: janice.strachan@usda.gov

**RIN:** 0581-AC42

**Department of Agriculture (USDA)**  
**Agricultural Marketing Service (AMS)**
**Completed Actions**
**183. NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM (DA-02-03)**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1150

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/10/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael Johnson  
 Phone: 202 720-6909

**RIN:** 0581-AC16

**Completed:**

Reason	Date	FR Cite
Final Action	05/19/05	70 FR 28783

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul Zankowski  
 Phone: 301 504-5518

**RIN:** 0581-AC31

**Agency Contact:** Darryl Earnest  
 Phone: 202 720-3193

**RIN:** 0581-AC43

**186. EGG, POULTRY, AND RABBIT GRADING: INCREASE IN FEES (2005) (PY-05-001)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 56 and 70

**Completed:**

Reason	Date	FR Cite
Final Action	07/22/05	70 FR 42254
Final Action Effective	09/25/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rex A. Barnes  
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 Fax: 202 690-3165  
 Email: rex.barnes@usda.gov

**RIN:** 0581-AC44

**BILLING CODE** 3410-02-S

**184. PLANT VARIETY PROTECTION SERVICES, SUPPLEMENTAL (ST-02-02)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 97

Reason	Date	FR Cite
Final Action	05/31/05	70 FR 30895

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Department of Agriculture (USDA)**  
**Agricultural Research Service (ARS)**
**Final Rule Stage**
**187. • RULES OF CONDUCT AT THE UNITED STATES NATIONAL ARBORETUM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-127

**CFR Citation:** 7 CFR 500

**Legal Deadline:** None

**Abstract:** This proposed regulatory action would update the rules of conduct at the United States National Arboretum (USNA) and the schedule of fees to be charged for certain uses of

the facilities, grounds, and services at USNA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/04	69 FR 75880
NPRM Comment	02/18/05	
Period End		
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dana Laster,  
 Administrative and Marketing Manager,  
 Department of Agriculture, Agricultural  
 Research Service, 3501 New York  
 Avenue NE, Washington, DC 20002  
 Phone: 202 245-4539

**RIN:** 0518-AA02

**BILLING CODE** 3410-03-S

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

**Proposed Rule Stage**

**188. 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

**Legal Authority:** 7 USC 1989

**CFR Citation:** 7 CFR 762

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47730
NPRM Comment Period End	10/14/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 0560-AH07

**189. 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
NPRM	10/03/05	70 FR 57520
NPRM Comment Period End	11/02/05	

**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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 Fax: 202 720-5233  
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**RIN:** 0560-AH19

**190. ● GRAINS AND SIMILARLY HANDLED COMMODITIES—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR THE 2002 THROUGH 2007 CROP YEARS**

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

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

**CFR Citation:** 7 CFR 1421

**Legal Deadline:** None

**Abstract:** This rule amends existing regulations governing the Marketing

Assistance Loan (MAL) and Loan Deficiency Payment (LDP) Program of the Commodity Credit Corporation (CCC). The amendments to the rule are intended to clarify, support, and implement the requirements of title 1, subtitle B, Marketing Assistance Loans and Loan Deficiency Payments of the Farm Security Rural Investment Act of 2002. The regulatory changes impact the overall mission and administration of the MAL and LDP programs. This rule amends regulations governing (1) beneficial interest with regards to eligible commodities that are delivered to storage facilities, such as feedlots, feed yards, and dairies; (2) the announcement time of the adjusted world price (AWP) for rice; (3) the handling of payments and collections of \$24.99 or less; (4) CCC's processes in conducting lien searches and the associated fees necessary to record and file such liens on marketing assistance loans; (5) personal liability of the producer when it is determined by CCC that the producer violated the MAL terms and conditions by which the producer disposed of a quantity of commodity that is collateral for a CCC farm-stored loan without prior written approval from CCC; and (6) the producer's responsibility for requesting loan deficiency payment benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**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-AH38

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

**Final Rule Stage**

**191. 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	11/00/05	

**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

**192. APPRAISAL UPDATES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 761; 7 CFR 762

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/00/06	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 0560-AH33

**193. • TRANSFER OF SUGAR  
 MARKETING ALLOCATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1359aa to 1359jj; 7 USC 7272 et seq; 15 USC 714b and 714c

**CFR Citation:** 7 CFR 1435

**Legal Deadline:** None

**Abstract:** The Commodity Credit Corporation (CCC) proposes several changes to the sugar program regulations. First, CCC proposes to amend the regulations for transferring sugar marketing allocation when a mill closes and growers request to move their allocation. The rule codifies the concept used to transfer allocation when Louisiana sugar mills closed in 2003 and 2004.

Second, CCC proposes adding a deadline for the program's information reporting requirements. The required monthly information would be due on the 20th of each month. This rule is intended to enforce reporting compliance, allowing CCC to assign a civil penalty for noncompliance.

Third, CCC proposes to amend the requirements for the maintenance and inspection of records to require each cane processor, cane refiner, and beet processor to provide an annual audit by a Certified Public Accountant (CPA) that verifies the company's data submitted to CCC.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

**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-AH37

**Department of Agriculture (USDA)**  
**Farm Service Agency (FSA)**
**Long-Term Actions**
**194. 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	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AE50

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

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/04	69 FR 6056
NPRM Comment Period End	05/04/04	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AF60

**196. INTEREST ASSISTANCE PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 762

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/05	70 FR 36055
Correction	08/11/05	70 FR 46799

**Action Date FR Cite**

NPRM Comment 09/06/05  
 Period End  
 Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AG46

**197. 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	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AG49

**198. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1439

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AG76

**199. CLARIFICATION OF INFORMAL APPEALS PROCEDURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 780

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/27/05	70 FR 43262
Interim Final Rule Comment Period End	09/26/05	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Phillip Elder

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**RIN:** 0560-AG88

**200. SELECTION OF FSA STATE AND COUNTY COMMITTEES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 7; 7 CFR 710

**Timetable:**

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

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AG90

**201. ENVIRONMENTAL COMPLIANCE AND RELATED CONCERNS**

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

**CFR Citation:** 7 CFR 799

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AH02

## USDA—FSA

## Long-Term Actions

**202. DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS****Priority:** Other Significant**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig  
Phone: 202 205-5851  
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Email: tom.witzig@usda.gov**Related RIN:** Previously reported as 0560-AF22**RIN:** 0560-AH09**203. PAYMENT LIMITATION AND PAYMENT ELIGIBILITY; TRADE ADJUSTMENT ASSISTANCE FOR FARMERS****Priority:** Other Significant**CFR Citation:** 7 CFR 1400**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig  
Phone: 202 205-5851  
Fax: 202 720-5233  
Email: tom.witzig@usda.gov**RIN:** 0560-AH16**204. DISASTER DECLARATION AND DESIGNATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 791; 7 CFR 1945**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig  
Phone: 202 205-5851  
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Email: tom.witzig@usda.gov**RIN:** 0560-AH17**205. CONSERVATION CONTRACT DEBT WRITE-DOWN****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1951; 7 CFR 766**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig  
Phone: 202 205-5851  
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Email: tom.witzig@usda.gov**RIN:** 0560-AH23**206. 2004 COTTONSEED PROGRAM****Priority:** Other Significant**CFR Citation:** 7 CFR 1427**Timetable:**

Action	Date	FR Cite
NPRM	06/24/05	70 FR 36536
NPRM Comment Period End	07/26/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig  
Phone: 202 205-5851  
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Email: tom.witzig@usda.gov**RIN:** 0560-AH29**207. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION****Priority:** Other Significant**CFR Citation:** 7 CFR 1**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig  
Phone: 202 205-5851  
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Email: tom.witzig@usda.gov**RIN:** 0560-AH32**208. GUARANTEED LOANS—UNAUTHORIZED ASSISTANCE****Priority:** Other Significant**CFR Citation:** 7 CFR 762**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Phillip Elder  
Phone: 202 690-8104  
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Email: phillip\_elder@wdc.usda.gov**RIN:** 0560-AH34**209. • EXTRA LONG STAPLE COTTON PRICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 7231; 7 USC 7931; 15 USC 714b**CFR Citation:** 7 CFR 1427**Legal Deadline:** None**Abstract:** CCC is changing Competitiveness Payment Program for Extra Long Staple (ELS) Cotton to provide that the price currently used, "U.S. spot quotes," will be replaced by the "American Pima c.i.f. Northern Europe quote." American Pima c.i.f. Northern Europe is a comparison of foreign and U.S. quotes from the same source and within the same geographical area. This measure is a net of the payment rate and based on the export market. The Agency feels that this measure is appropriate because 90 percent of U.S.-produced ELS cotton is exported. This change is expected to reduce the payment rate and, consequently, budget outlays in the future.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/20/05	70 FR 35367
Interim Final Rule Comment Period End	07/20/05	
Interim Final Rule Effective	08/05/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department

## USDA—FSA

## Long-Term Actions

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RIN: 0560-AH36

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

## Completed Actions

**210. DESIGNATED MARKETING ASSOCIATIONS FOR PEANUTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1421

**Completed:**

Reason	Date	FR Cite
Final Action	06/10/05	70 FR 33798

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH20

**211. AMERICAN INDIAN LIVESTOCK FEED PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1439

**Completed:**

Reason	Date	FR Cite
Final Action	05/25/05	70 FR 29200

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH26

**212. 2004 DAIRY ASSISTANCE PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1439

**Completed:**

Reason	Date	FR Cite
NPRM	05/25/05	70 FR 30009
Final Action	09/26/05	70 FR 56113

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH28

**213. COLLECTION OF STATE COMMODITY ASSESSMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1421

**Completed:**

Reason	Date	FR Cite
NPRM	06/07/05	70 FR 33043
Final Action	09/02/05	70 FR 52283

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH35

**BILLING CODE 3410-05-S**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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



## USDA—APHIS

## Proposed Rule Stage

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

**RIN:** 0579-AB24

### 215. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS (SECTION 610 REVIEW)

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

**RIN:** 0579-AB44

### 216. KARNAL BUNT COMPENSATION

**Priority:** Other Significant

**Legal Authority:** 7 USC 7701 to 7712

**CFR Citation:** 7 CFR 301

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561
Interim Final Rule Comment Period End	07/01/02	
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

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

**Related RIN:** Related to 0579-AA83

**RIN:** 0579-AB45

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

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

**RIN:** 0579-AB69

### 218. REVISION OF FRUITS AND VEGETABLES IMPORT REGULATIONS

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

**RIN:** 0579-AB80

### 219. REVISION OF THE NURSERY STOCK REGULATIONS (SECTION 610 REVIEW)

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

**RIN:** 0579-AB85

### 220. VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; RECORDS AND REPORTS

**Priority:** Other Significant

**Legal Authority:** 21 USC 151 to 159

**CFR Citation:** 9 CFR 101; 9 CFR 116

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Virus-Serum-Toxin Act regulations concerning records and reports to require veterinary biologics licensees and permittees to record and submit reports to the Animal and Plant Health Inspection Service (APHIS) concerning adverse events associated with the use of biological products that they produce or distribute. We would specify the information that must be included in the adverse event report and would require veterinary biologics manufacturers to report to APHIS the number of doses of each licensed product that they distribute. These

actions would assist APHIS in providing complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document, that contained fewer specifics concerning the information that would have to be recorded in adverse event reports associated with the use of veterinary biologics that are submitted to the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/05	70 FR 48325
NPRM Comment Period End	10/17/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0579-AB90

### 221. • BOLL WEEVIL; QUARANTINE AND REGULATIONS

**Priority:** Other Significant

**Legal Authority:** 7 USC 7701 to 7772

**CFR Citation:** 7 CFR 301

**Legal Deadline:** None

**Abstract:** This action would establish domestic boll weevil regulations that would restrict the interstate movement of regulated articles within regulated areas and from regulated areas into or through nonregulated areas in commercial cotton producing States. The proposed regulations would help prevent the artificial spread of boll weevil into noninfested areas of the United States and the reinfestation of areas from which the boll weevil has been eradicated.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	03/00/06	

## USDA—APHIS

## Proposed Rule Stage

**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:** William Grefenstette, National Coordinator, Boll Weevil Eradication Program, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 138, Riverdale, MD 20737  
Phone: 301 734-8676

**RIN:** 0579-AB91**222. • TRICHINAE CERTIFICATION PROGRAM****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317; 7 USC 1622**CFR Citation:** 9 CFR 149; 9 CFR 160 to 161**Legal Deadline:** None

**Abstract:** This action would establish a voluntary Trichinae Certification Program for U.S. pork that has been produced under disease-prevention conditions. Under the proposed program, we would certify pork production sites that follow prescribed good production practices that reduce, eliminate, or avoid the risk of exposure of animals to the zoonotic parasite *Trichinella spiralis*, a disease of swine. Such a program should enhance the ability of producers to export pork and pork products to overseas markets. This proposed program, which would be funded by program fees, has been developed as a cooperative effort by the U.S. Department of Agriculture, the National Pork Board, and the pork processing industry. If adopted, this program would include those producers who choose to participate in the program, as well as slaughter facilities and other persons that handle or process swine from pork production sites that have been certified under the program.

**Timetable:**

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

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

**RIN:** 0579-AB92**223. • IMPORTATION OF BONELESS BEEF FROM JAPAN**

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

**RIN:** 0579-AB93
**Department of Agriculture (USDA)  
Animal and Plant Health Inspection Service (APHIS)**

## Final Rule Stage

**224. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317**CFR Citation:** 9 CFR 53**Legal Deadline:** None

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

**Timetable:**

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

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

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

**Agency Contact:** Mark Teachman, Senior Staff Veterinarian, Emergency

Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 41, Riverdale, MD 20737-1231  
Phone: 301 734-8073

**RIN:** 0579-AB34**225. CHRONIC WASTING DISEASE IN ELK AND DEER; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8316**CFR Citation:** 9 CFR 55; 9 CFR 81**Legal Deadline:** None

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

## USDA—APHIS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/08/02	67 FR 5925
Interim Final Rule Comment Period End	04/09/02	
NPRM	12/24/03	68 FR 74513
NPRM Comment Period End	02/23/04	
Final Rule	01/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal, State**Additional Information:** APHIS documents published in the Federal Register and related information are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.**Agency Contact:** Dean Goeldner, Staff Veterinarian, National Center for Animal Health Programs, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737-1231  
Phone: 301 736-4916**RIN:** 0579-AB35**226. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 and 136a**CFR Citation:** 7 CFR 301; 7 CFR 319**Legal Deadline:** None**Abstract:** This rule would amend the gypsy moth regulations by removing restrictions on the interstate movement of wood chips, which do not pose a risk of containing gypsy moth egg masses, and by adding restrictions on the movement and importation of bark and bark products, which pose a risk of containing gypsy moth egg masses. In addition, the rule would extend by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by the Animal and Plant Health Inspection Service, our cooperators, and industry in order

to limit the artificial spread of gypsy moth.

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/03	68 FR 28157
NPRM Comment Period End	07/22/03	
Final Action	11/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** APHIS documents published in the Federal Register and related information are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.**Agency Contact:** Weyman Fussell, Program Manager, Invasive Species and Pest Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737-1236  
Phone: 301 734-5705**RIN:** 0579-AB55**227. PINE SHOOT BEETLE HOST MATERIAL FROM CANADA****Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 and 136a**CFR Citation:** 7 CFR 319**Legal Deadline:** None**Abstract:** This rulemaking would establish restrictions on the importation of pine shoot beetle host material into the United States from Canada. Pine nursery stock, as well as pine products that consist of pine bark or have pine bark attached, would have to meet certain requirements relating to documentation, treatment, handling, and utilization as a condition of importation into the United States from Canada. These restrictions are needed to help prevent the introduction and spread of pine shoot beetle, a pest of pine trees, into noninfested areas of the United States.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/20/04	69 FR 61577
Interim Final Rule Comment Period End	12/20/04	
Final Action	02/00/06	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** APHISdocuments published in the Federal Register and related information are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.**Agency Contact:** Frederick A. Thomas, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737-1236  
Phone: 301 734-8367**RIN:** 0579-AB76**228. IMPORTATION OF SMALL LOTS OF SEED WITHOUT PHYTOSANITARY CERTIFICATES****Regulatory Plan:** This entry is Seq. No. 9 in part II of this issue of the **Federal Register**.**RIN:** 0579-AB78**229. 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 and 136a; 31 USC 9701; 42 USC 4331 to 4332**CFR Citation:** 9 CFR 93 to 94; 9 CFR 98**Legal Deadline:** None**Abstract:** This rule would amend the regulations for importing animals and animal products into the United States to (1) apply a uniform set of importation requirements related to classical swine fever (CSF) to a region consisting of all of the 15 Member States of the European Union (EU) that comprise the EU as of April 30, 2004 (the EU-15), and (2) prohibit for a specified period of time the importation of live swine and swine products from any area in the EU-15 that is identified by the veterinary authorities of the region as a restricted zone.**Timetable:**

Action	Date	FR Cite
NPRM	04/08/05	70 FR 17928

## USDA—APHIS

## Final Rule Stage

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

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Additional Information:** APHIS documents published in the Federal Register and related information are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.**Agency Contact:** Chip Wells, Senior Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 38, Riverdale, MD 20737-1231 Phone: 301 734-4356**RIN:** 0579-AB79**230. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS****Regulatory Plan:** This entry is Seq. No. 10 in part II of this issue of the Federal Register.**RIN:** 0579-AB82**231. REQUIREMENTS FOR REQUESTS TO AMEND IMPORT REGULATIONS****Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 and 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 62823

Action	Date	FR Cite
NPRM Comment Period End	12/27/04	
Final Action	03/00/06	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** APHIS documents published in the Federal Register and related information are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.**Agency Contact:** 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**232. 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	03/00/06	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Additional Information:** APHIS documents published in the Federal Register and related information are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.**Agency Contact:** Diane Sutton, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737-1235

Phone: 301 734-6954

**RIN:** 0579-AB84**233. 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 and 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

## USDA—APHIS

## Final Rule Stage

AQI user fees will cover fiscal years 2005 through 2010.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/09/04	69 FR 71660
Interim Final Rule Effective	01/01/05	
Interim Final Rule Comment Period End	02/07/05	
Final Action	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

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

Donna Ford, Branch Chief, Financial Services Branch, FMD, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 54, Riverdale, MD 20737-1232

Phone: 301 734-5901

**RIN:** 0579-AB88

**234. ● AGRICULTURAL INSPECTION AND AQI USER FEES ALONG THE U.S./CANADA BORDER**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503

**CFR Citation:** 7 CFR 319; 7 CFR 354

**Legal Deadline:** None

**Abstract:** This action will amend the foreign quarantine and user fee regulations by removing the exemptions from inspection for fruits and vegetables imported from Canada and the exemptions from user fees for commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international air passengers entering the United States from Canada. As a result of this action, all agricultural products imported from Canada will be subject to inspection, and commercial conveyances, as well as airline passengers arriving on flights from Canada, will be subject to inspection and user fees. We are taking this action based on data showing an increasing number of interceptions on the U.S./Canada border of prohibited material that originated in regions other than Canada that presents a high risk of introducing plant pests or animal

diseases into the United States. These findings, combined with additional Canadian airport preclearance data on interceptions of ineligible agricultural products approaching the U.S. border from Canada, strongly indicate that we need to expand and strengthen our pest exclusion and smuggling interdiction efforts at that border.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/06	
Interim Final Rule Comment Period End	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** Federal

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

**Agency Contact:** Alan S. Green, Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 36, Riverdale, MD 20737  
Phone: 301 734-8261

**RIN:** 0579-AB94

## Department of Agriculture (USDA)

## Animal and Plant Health Inspection Service (APHIS)

## Long-Term Actions

**235. 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

**236. 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

**237. 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

USDA—APHIS

Long-Term Actions

Action	Date	FR Cite
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NPRM Comment 10/29/01  
 Period End  
 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

**238. 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
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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 10/15/01

Comment Period End

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Donna L. Malloy

Phone: 301 734-3277

**RIN:** 0579-AB26

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael J. Gilsdorf

Phone: 301 734-6954

**RIN:** 0579-AB29

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 94

**Timetable:**

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

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

**241. 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

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

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lisa Ferguson

Phone: 301 734-8073

**RIN:** 0579-AB43

**242. METHYL BROMIDE; AUTHORIZATION AS OFFICIAL QUARANTINE USE**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 304

**Timetable:**

Action	Date	FR Cite
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NPRM 08/12/04 69 FR 49824  
 NPRM Comment 10/12/04  
 Period End

NPRM Comment 10/12/04 69 FR 60567

Period Extended

NPRM Comment 11/12/04

Period End

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Agency Contact:** Inder Paul Gadh

Phone: 301 734-6799

**RIN:** 0579-AB54

Department of Agriculture (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

**243. COST-SHARING FOR ANIMAL AND PLANT HEALTH EMERGENCY PROGRAMS**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 373; 9 CFR 60

**Completed:**

Reason	Date	FR Cite
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Withdrawn 08/05/05

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Gregoire

Phone: 301 734-5136

**RIN:** 0579-AB50

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

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

**CFR Citation:** 9 CFR 93 to 95

## USDA—APHIS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Affirmation of Final Rule	04/08/05	70 FR 18252

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Karen A.

James-Preston

Phone: 301 734-4356

**RIN:** 0579-AB73**245. FEDERAL MEASURES TO MITIGATE BSE RISKS: CONSIDERATIONS FOR FURTHER ACTION****Priority:** Other Significant**CFR Citation:** 9 CFR 50 to 85**Completed:**

Reason	Date	FR Cite
Close Case	08/05/05	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** S. A. Goodman

Phone: 301 734-4356

**RIN:** 0579-AB86**246. INTRODUCTIONS OF PLANTS GENETICALLY ENGINEERED TO PRODUCE INDUSTRIAL COMPOUNDS****Priority:** Other Significant**CFR Citation:** 7 CFR 340**Completed:**

Reason	Date	FR Cite
Affirmation of Interim Rule	05/04/05	70 FR 23009

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** John Turner

Phone: 301 734-8365

**RIN:** 0579-AB89

BILLING CODE 3410-34-S

## Department of Agriculture (USDA)

## Final Rule Stage

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

**247. 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	11/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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

**RIN:** 0524-AA25**248. 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
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

Required: No

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

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

Phone: 202 205-0453

Fax: 202 401-3481

Email: jdowney@csrees.usda.gov

**RIN:** 0524-AA29**249. REVISED ADMINISTRATIVE PROVISIONS—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 638; PL 99-591, 100 Stat 3341; PL 106-554**CFR Citation:** 7 CFR 3403**Legal Deadline:** None

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

**USDA—CSREES**

**Final Rule Stage**

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Winston Sherman, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400

Independence Avenue SW, Washington, DC 20250–2299  
Phone: 202 401–5061

**RIN:** 0524–AA31

**Department of Agriculture (USDA)**

**Long-Term Actions**

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

**250. CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ellen Danus  
Phone: 202 401–4325  
Fax: 202 401–7752  
Email: edanus@reeusda.gov

**RIN:** 0524–AA26

**251. CSREES AGRICULTURAL RESEARCH FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ellen Danus  
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

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

...

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Erin Daly  
Phone: 202 401–3319  
Fax: 202 401–7752  
Email: edaly@reeusda.gov

**RIN:** 0524–AA28

**BILLING CODE** 3410–09–S

**Department of Agriculture (USDA)**

**Proposed Rule Stage**

**Rural Housing Service (RHS)**

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Agency intends to publish a proposed rule to effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); title VI of the Civil Rights Act of 1964; title VIII of the Civil Rights Act of 1968,

as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act); section 504 Federally Conducted and Federally Assisted Programs; title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; and Executive Orders 11246 and 12898 (Environmental Justice). The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws, which heavily impact the Agency’s programs. Mechanisms for monitoring compliance by field offices and recipients of Federal financial assistance at all levels will decrease the Agency’s vulnerability that exists due to noncompliance with recently enacted Civil Rights legislation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

**RIN:** 0575–AA83



## USDA—RHS

## Proposed Rule Stage

**254. 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	04/00/06	
NPRM Comment Period End	06/00/06	

**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, Washington, DC 20250–0761  
Phone: 202 720–9647  
Email: linda.rodgers@wdc.usda.gov**RIN:** 0575–AC07**255. 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	04/00/06	
NPRM Comment Period End	06/00/06	

**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 20250–0787  
Phone: 202 720–1498  
Fax: 202–690–0471  
Email: beth.jones@wdc.usda.gov**RIN:** 0575–AC12**256. SELF-HELP TECHNICAL ASSISTANCE GRANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 42 USC 1480**CFR Citation:** 7 CFR 1944; 7 CFR 3551**Legal Deadline:** None**Abstract:** The regulations for 7 CFR 1944-I "Self-Help Technical Assistance Grants" is being rewritten and renumbered to 7 CFR 3551. Changes are proposed for clarification of policy and procedures relative to the: 1) Application procedure, which is changing to an annual competitive grant process; 2) labor contribution of participating families; 3) monitoring of grantee progress through Self-Help Automated Reporting and Evaluation System (SHARES); and 4) define the roles of Technical and Management Assistance Contractors.**Timetable:**

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

**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, 1400 Independence Avenue SW, STOP 0783, Washington, DC 20250–0783  
Phone: 202 720–1532  
Fax: 202 720–2232  
Email: carolyn.bell@wdc.usda.gov**RIN:** 0575–AC20**257. COMMUNITY FACILITIES DIRECT LOAN PROGRAM—CONSOLIDATE, SIMPLIFY, AND UPDATE REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1926**CFR Citation:** 7 CFR 1942, subpart A; 7 CFR 1942, subpart C**Legal Deadline:** None**Abstract:** The Rural Housing Service is seeking to consolidate, simplify, and update its regulations used to administer the Community Facilities Direct Loan Program. This effort will produce a user-friendly tool to help constituents and rural communities seeking to develop their essential community facilities for public use. The proposed action will have no financial impact on the public or Agency.**Timetable:**

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

**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 20250–0787  
Phone: 202 720–1497  
Email: angela.lausman@wdc.usda.gov**RIN:** 0575–AC27

## USDA—RHS

## Proposed Rule Stage

**258. 3550—DIRECT SINGLE-FAMILY HOUSING LOANS AND GRANTS****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 Community Land Trust (CLT) imposed restrictions terminate upon foreclosure by the Agency; remove dollar limits and use 1 percent of insurance coverage on loss deductible clauses with the objective of recognizing the increasing cost of home ownership insurance due to higher cost of home purchase; and require homeowner education for new home buyers.

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	02/08/05	70 FR 6551
NPRM	03/00/06	
NPRM Comment Period End	05/00/06	
Second NPRM	06/00/06	
Second NPRM Comment Period End	08/00/06	

**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: 202-690-2232  
Email: janet.carter@wdc.usda.gov

**RIN:** 0575-AC54**259. 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	04/00/06	
NPRM Comment Period End	06/00/06	

**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@wdc.usda.gov

**RIN:** 0575-AC55**260. 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; 7 CFR 1940-G, the current RHS/RBS environmental regulation; 7 CFR 1901-F, the current Historic Preservation regulation; and 7 CFR Part 1940-J, the current Intergovernmental Review regulation.

This consolidation effort will produce a single user-friendly tool to help the program constituents, rural communities, and Rural Development staff and bring the environmental requirements of Agency actions in line with the environmental requirements of other Federal programs for similar actions. This rule consists of subparts A through O.

**Timetable:**

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

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

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

**RIN:** 0575-AC56

## USDA—RHS

## Proposed Rule Stage

**261. 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	03/00/06	
NPRM Comment Period End	05/00/06	

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

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

**RIN:** 0575-AC58**262. AMEND 3550—DIRECT  
SINGLE-FAMILY HOUSING LOANS  
AND GRANTS****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 home ownership 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	01/00/06	
NPRM Comment Period End	03/00/06	

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

**Agency Contact:** Michael S. Feinberg, Acting Director, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474  
Fax: 202-720-2232  
Email: michael.feinberg@wdc.usda.gov

**RIN:** 0575-AC59**Department of Agriculture (USDA)  
Rural Housing Service (RHS)**

## Final Rule Stage

**263. MULTI-FAMILY HOUSING (MFH)  
REINVENTION****Priority:** Other Significant**Legal Authority:** 5 USC 301; 42 USC 1490a; 7 USC 1989; 42 USC 1475; 42 USC 1479; 42 USC 1480; 42 USC 1481; 42 USC 1484; 42 USC 1485; 42 USC 1486**CFR Citation:** 7 CFR 1806, subpart A; 7 CFR 1955, subpart B; 7 CFR 1955, subpart C; 7 CFR 1956, subpart B; 7 CFR 1965, subpart B; 7 CFR 1965, subpart E; 7 CFR 1930, subpart C; 7 CFR 1944, subpart D; 7 CFR 1944, subpart E; 7 CFR 1951, subpart C; 7 CFR 1951, subpart D; 7 CFR 1951, subpart K; 7 CFR 1951, subpart N; 7 CFR 1955, subpart A**Legal Deadline:** None

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

Finally, the regulation is more customer-friendly and responsive to the needs of the public.

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/03	68 FR 32872
NPRM Comment Period End	08/01/03	
Interim Final Rule	11/26/04	69 FR 69032
Interim Final Rule Comment Period End	12/27/04	
Interim Final Rule Effective	02/22/05	70 FR 8503
Final Action	02/00/06	

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

## USDA—RHS

## Final Rule Stage

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

**Related RIN:** Merged with 0575-AC24

**RIN:** 0575-AC13

### 264. 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	06/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

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

**RIN:** 0575-AC18

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

### Completed Actions

### 265. ENVIRONMENTAL POLICIES AND PROCEDURES

**Priority:** Substantive, Nonsignificant

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

#### Completed:

Reason	Date	FR Cite
Withdrawn	10/31/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Davis  
Phone: 202 720-9619

**Related RIN:** Merged with 0575-AC56

**RIN:** 0575-AC61

BILLING CODE 3410—XV—S

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

### Proposed Rule Stage

### 266. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

**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

### 267. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY (APH)

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## USDA—FCIC

## Proposed Rule Stage

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

**RIN:** 0563-AB83

### 268. COMMON CROP INSURANCE REGULATIONS AND VARIOUS CROP INSURANCE PROVISIONS

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

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	

**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-AB96

### 269. • COMMON CROP INSURANCE REGULATIONS, PEANUT CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to solicit comments on FCIC's proposed action to revise the Peanut Crop Insurance Provisions in 7 CFR part 457.134 due to the Farm Security and Rural Investment Act of 2002, which eliminated the peanut quota program by FSN as administered by the Farm Service Agency (FSA). FCIC is soliciting public comment on the removal of references to quota and non-quota peanuts and to add crop insurance coverage for peanuts grown under a processor contract.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**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-AB97

### 270. • COMMON CROP INSURANCE REGULATIONS, TOBACCO CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to solicit public comments on FCIC's proposed action to remove and reserve section 457.156 Quota Tobacco Crop Insurance Provisions and to revise Guarantee Tobacco Crop Insurance Provisions as Tobacco Crop Insurance Provisions. The American Jobs Creation Act of 2004 eliminated the USDA Tobacco Marketing Quota Regulations and price support program by FSN as administered by the Farm Service

Agency (FSA). The revisions will remove references to quota and add coverage for tobacco grown under a processor contract.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**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-AB98

### 271. • COMMON CROP INSURANCE REGULATIONS, CABBAGE CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to convert the cabbage pilot crop insurance program to a permanent insurance program for the 2007 and succeeding crop years. The cabbage pilot program began in the 2000 crop year by offering cabbage crop insurance coverage to producers in Alaska, California, Florida, Georgia (Colquitt and Rabun Counties), Illinois, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. Following an evaluation of the cabbage pilot program, FCIC's Board of Director's approved conversion of the pilot program to permanent program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal

## USDA—FCIC

## Proposed Rule Stage

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

RIN: 0563-AB99

### 272. • COMMON CROP INSURANCE REGULATIONS, CULTIVATED WILD RICE CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to convert the cultivated wild rice pilot crop insurance program to a permanent insurance program for the 2007 and succeeding crop years. The cultivated wild rice pilot program began in the 1999 crop year by offering cultivated wild rice crop insurance coverage to producers in Minnesota and California.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**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-AC00

### 273. • COMMON CROP INSURANCE REGULATIONS, FLORIDA CITRUS FRUIT CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to amend the Florida Citrus Fruit Crop Insurance provisions by replacing the provisions currently contained at 7 CFR part 457.107 with revised provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**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-AC01

### 274. • COMMON CROP INSURANCE REGULATIONS, FRESH MARKET SWEET CORN CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposal to modify, clarify, and standardize the provisions to be consistent with other crop provisions. Some of the proposed changes are to remove and/or to add definitions to enable the expansion of sweet corn into other areas; to revise provisions to allow coverage in some regions for sweet corn that is direct marketed to consumers; to revise the end of the insurance period to allow flexibility for coverage to be expanded into other areas; and to clarify the computations for computing the amount of harvested production.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**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-AC02

### 275. • COMMON CROP INSURANCE REGULATIONS, MINT CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to convert the mint pilot crop insurance program to a permanent insurance program for the 2007 and succeeding crop years. The mint pilot program began in the 2000 crop year by offering mint crop insurance coverage to producers in Wisconsin, Minnesota, Washington, and Indiana. Following an evaluation of the mint pilot program, FCIC's Board of Director's approved conversion of the pilot program to permanent program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**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-AC03

### 276. • COMMON CROP INSURANCE REGULATIONS, MUSTARD CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to convert the mustard pilot crop insurance program to a permanent insurance program for the 2007 and succeeding crop years. The mustard pilot program began in the 1999 crop year by offering mustard crop insurance coverage to producers in North Dakota. Following an evaluation of the mustard pilot program, FCIC's Board of Directors approved conversion of the

## USDA—FCIC

## Proposed Rule Stage

pilot program to a permanent program and approved expansion for the 2005 crop year into counties in Montana, Idaho, Oregon, and Washington where actuarially sound rates can be established.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**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-AC04

### 277. • COMMON CROP INSURANCE REGULATIONS, NORTHERN POTATO CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposal to revise the Northern Potato Crop provisions and endorsements for the 2007 crop year by: 1) Changing loss adjustment procedure; 2) enhancing the Northern Potato Processing Quality Endorsement; 3) clarifying the Northern Potato Quality Endorsement, Certified Seed Endorsement, and Storage Coverage Endorsement; and 4) clarifying the Central and Southern Potato Crop Provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

**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-AC05

### 278. • GENERAL ADMINISTRATIVE REGULATIONS; APPEAL PROCEDURES AND STANDARDS FOR APPROVAL—REINSURANCE AGREEMENT

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** This rule will solicit comments to amend the Appeal Procedures and the Standards for Approval regulations by making some clarifications to the appeal process.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Kreitzer, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Room 4619, South Building, Washington, DC 20250  
Phone: 202 690-1683  
Email: nancy.kreitzer@rma.usda.gov

**RIN:** 0563-AC06

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

## Final Rule Stage

### 279. GENERAL ADMINISTRATIVE REGULATIONS; NONSTANDARD UNDERWRITING CLASSIFICATION SYSTEM

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** Nonstandard Underwriting Classification System (NCS): NCS was criticized by producers and their representatives for several years and became a major issue with the repetitive floods in the upper Midwest and multi-year droughts in the Southwest. Complaints included claims that the NCS procedures: 1) Did not adequately exclude widespread causes of loss (disaster adjustment); 2) failed to recognize diverse conditions within

a county; 3) unfairly hit new or struggling producers caught by repetitive disasters; and 4) set too high a premium for those producers listed. Additionally, administration of the NCS process was complicated, sometimes subjective, and labor intensive.

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

RMA examined increasing premium rates based on producers' lower APH yields and using a surcharge based on

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

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

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

## USDA—FCIC

## Final Rule Stage

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

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/17/97	62 FR 48798

Action	Date	FR Cite
ANPRM Comment Period End	10/17/97	
NPRM	09/02/98	63 FR 46703
NPRM Comment Period End	10/19/98	
Final Action	04/00/06	

**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

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

## Completed Actions

**280. COMMON CROP INSURANCE REGULATIONS; NURSERY CROP INSURANCE PROVISIONS**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 457

**Completed:**

Reason	Date	FR Cite
Final Action	06/28/05	70 FR 37222
Final Action Effective	06/28/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB80

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 400

**Completed:**

Reason	Date	FR Cite
Final Action	08/02/05	70 FR 44222
Final Action Effective	09/01/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB84

**282. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART V—PREMIUM REDUCTION PLANS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 400

**Completed:**

Reason	Date	FR Cite
Final Action Effective	06/30/05	70 FR 41822
Final Action	07/20/05	70 FR 41822

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Craig Witt  
Phone: 202 690-2539

**RIN:** 0563-AB95

**BILLING CODE 3410-08-S**

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

## Long-Term Actions

**283. PROCESS VERIFICATION SERVICE AND ASSOCIATED FEES**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 868.31

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler  
Phone: 202 720-7486  
Fax: 202 690-2755  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA85

**284. EXPORT INSPECTION AND WEIGHTING WAIVER FOR HIGH QUALITY SPECIALTY GRAINS TRANSPORTED IN CONTAINERS**

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

**CFR Citation:** 7 CFR 800

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/28/05	70 FR 21921
Interim Final Rule Comment Period End	06/27/05	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler  
Phone: 202 720-7486  
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**RIN:** 0580-AA87

**285. ● REVIEW INSPECTION REQUIREMENTS FOR GRADED COMMODITIES**

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

**Legal Authority:** 7 USC 1621

**CFR Citation:** 7 CFR 868.1; 7 CFR 868.60

**Legal Deadline:** None

**Abstract:** GIPSA is proposing to revise the regulations under the United States Agricultural Marketing Act of 1946 to



## USDA—GIPSA

## Long-Term Actions

allow interested persons to specify the quality factor(s) that would be redetermined during an appeal inspection or a Board appeal inspection for grade.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/05	70 FR 39199
NPRM Comment Period End	09/06/05	
Final Action	To Be Determined	

**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-AA89

**286. • UNITED STATES STANDARDS FOR SOYBEANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800; 7 CFR 810

**Legal Deadline:** None

**Abstract:** GIPSA proposes to revise the United States Standards for Soybeans to change the minimum test weight per bushel from a grade determining factor to an informational factor. GIPSA also proposes to change the reporting requirements for test weight per bushel in soybeans from whole and half pounds with a fraction of a half pound disregarded to reporting to the nearest tenth of a pound.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler, 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-AA90

**287. • UNITED STATES STANDARDS FOR SORGHUM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 810

**Legal Deadline:** None

**Abstract:** GIPSA is initiating a review of the sorghum standards. GIPSA will assess the need for revisions on the various sections of the United States Standards for Sorghum, the potential for improvements, and language clarity.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler, 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-AA91

## Department of Agriculture (USDA)

## Completed Actions

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

**288. FEES ASSESSED BY THE SERVICE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 800

**Completed:**

Reason	Date	FR Cite
Final Action	08/26/05	70 FR 50149

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler  
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**RIN:** 0580-AA88

BILLING CODE 3410-EN-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Food and Nutrition Service (FNS)

**289. DISQUALIFIED RECIPIENT REPORTING AND COMPUTER MATCHING REQUIREMENTS THAT AFFECT THE FOOD STAMP PROGRAM**

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

**Legal Authority:** 5 USC 552(a) Computer Matching and Privacy

Protection Act; 7 USC 2015(b) Food Stamp Act

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

**Legal Deadline:** None

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

and codifies prisoner verification and death master file matching mandated by legislation and previously implemented through agency directive. (89-010)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

## USDA—FNS

## Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/00/06	
Final Action	12/00/06	
Final Action Effective	03/00/07	

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov  
**RIN:** 0584-AB51

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

**Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2032**CFR Citation:** 7 CFR 253; 7 CFR 254**Legal Deadline:** None

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

**Timetable:**

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

**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

**291. 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	03/00/06	
NPRM Comment Period End	05/00/06	

**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  
Email: sheri.ackerman@fns.usda.gov  
**RIN:** 0584-AD15

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

**Priority:** Info./Admin./Other**Legal Authority:** 7 USC 2011 to 2036**CFR Citation:** 7 CFR 272; 7 CFR 273**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	
NPRM Comment Period End	05/00/06	
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  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov  
**RIN:** 0584-AD25

**293. 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

## USDA—FNS

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/05	70 FR 43332
NPRM Comment Period End	11/25/05	
Final Action	07/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**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  
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**RIN:** 0584-AD36**294. FSP: DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171**

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

**RIN:** 0584-AD37**295. 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	10/00/05	

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD40**296. 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 5 years after the effective date of the interim final rule. (04-001)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

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**RIN:** 0584-AD43**297. FSP: REVISIONS TO BONDING REQUIREMENTS FOR VIOLATING RETAIL AND WHOLESALE FOOD CONCERNS**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** 7 USC 2021

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

**Legal Deadline:** None

**Abstract:** The proposed rule will revise the current bonding requirements set forth in section 278.1(b)(4) of Food Stamp Program (FSP) regulations that are imposed against retailers who have violated FSP rules and regulations. Section 12(d) of the Food Stamp Act of 1977 (the Act), as amended, gives the Secretary of Agriculture the discretionary authority to require that retailers who have been sanctioned for program violations present a collateral bond as a condition of future authorization. The Act also gives the Secretary the authority to prescribe the amount, terms, and conditions of such

## USDA—FNS

## Proposed Rule Stage

bonds by regulation. Currently, all violating retailers that are sanctioned for a specified period of time or imposed a civil money penalty are required to submit a bond if they wish to continue to participate in the FSP. The bond must be valid as long as the firm is authorized to participate in the FSP regardless of the period of disqualification imposed or the amount of the civil money penalty assessed. Retailers are required to renew their bond through a financial institution on a periodic basis. The proposed rule will: 1) Eliminate the current bonding requirement for retailers who are disqualified for a period of 6 months or imposed a civil money penalty in lieu of a 6-month disqualification period; and 2) limit the requirement to no more than 1 year for retailers who are disqualified for a specified period of time greater than 6 months or imposed a civil money penalty in lieu of a specified period of time greater than 6 months. Section 278.2(f) of the FSP regulations stipulates that retail food stores may not accept food stamp benefits in payment for any eligible food sold to food stamp households on credit. Thus, the proposed rule will also assign a specified period of time for retailers to be removed from the program for accepting food stamp benefits in payment for eligible food on credit. (04-002)

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	

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

Undetermined

**Federalism:** Undetermined

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**RIN:** 0584-AD44

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

**Priority:** Other Significant**Legal Authority:** Older Americans Act of 1965, as amended**CFR Citation:** 7 CFR 250.12, 250.19, 250.24, 250.40, 250.41; 7 CFR 250.42, 250.48, 250.49, 250.50**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

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**RIN:** 0584-AD45

**299. 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:** This rule proposes to amend regulations for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) by adding three requirements mandated by the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265, concerning retail vendors authorized by WIC State agencies to provide supplemental food to WIC participants in exchange for WIC food instruments. This rulemaking would require WIC State agencies to notify WIC-authorized retail vendors of an initial violation, for violations requiring a pattern of occurrences in order to impose a sanction, before documenting a subsequent violation unless notification would compromise an investigation. In addition, State agencies would maintain a list of State-licensed wholesalers, distributors, and retailers, and manufacturers registered with the Food and Drug Administration, and would require WIC-authorized retail vendors to purchase infant formula only from sources on the list. Further, State agencies would prohibit the authorization of or payments to WIC-authorized vendors that derive more than 50 percent of their annual food sales revenue ("above-50-percent vendors") and which provide incentive items or other free merchandise except food or merchandise of nominal value to program participant customers unless the vendor provides the State agency with proof that the vendor obtained the incentive items or merchandise at no cost. The intent of these provisions is to, respectively, enhance due process for vendors; prevent defective infant formula from being consumed by infant WIC

## USDA—FNS

## Proposed Rule Stage

participants; and, prevent increased WIC food costs caused by above-50-percent vendors who provide incentive items to participants which ultimately are derived from the proceeds of WIC purchases. (04-007)

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	
NPRM Comment Period End	06/00/06	
Final Action	06/00/07	
Final Action Effective	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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**RIN:** 0584-AD47

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

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

**Legal Authority:** 7 USC 2011 to 2034

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

**Legal Deadline:** None

**Abstract:** The proposed changes to the Food Stamp Program's regulations are being put forth to account for the replacement of the paper coupon issuance system with the Electronic Benefits Transfer (EBT) system as the nationwide method of distributing benefits to program recipients. These changes will remove coupon issuance regulations that are no longer applicable, revise regulatory language to more appropriately connote the new EBT issuance system (such as eliminating the use of the term "coupon," and replacing it with either "benefits" or "EBT card"), and reorganize sections to develop a more cohesive set of issuance and retailer regulations. None of the changes will

have any policy impacts. The regulatory revisions, however, are necessary to avoid confusion by ensuring that the issuance and redemption requirements are clear and comprehensible. The sections that will be updated and reorganized by the proposed rule are 7 CFR parts 274 and 278. (04-004)

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	
NPRM Comment Period End	05/00/06	
Final Action	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD48

### 301. SPECIAL NUTRITION PROGRAMS: FLUID MILK SUBSTITUTIONS

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

**RIN:** 0584-AD58

### 302. FOOD DISTRIBUTION PROGRAMS—DISTRIBUTING AGENCY EVALUATIONS OF NON-COMMERCIAL WAREHOUSING AND DISTRIBUTION SYSTEMS, COST COMPARISONS, SYSTEM APPROVAL AND IMPLEMENTATION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 250

**Legal Deadline:** None

**Abstract:** Food Distribution Program regulations at 7 CFR part 250.14(a) currently require all distributing agencies to, at minimum, evaluate non-commercial systems, perform cost

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

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

The proposed rule will provide a public comment period, which would allow State agencies and other interested parties the forum to provide feedback and voice any concerns. All comments received during the specified comment period would be taken into consideration by FNS prior to publication of the rule in its final form. (05-001)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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## USDA—FNS

## Proposed Rule Stage

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RIN: 0584-AD72

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 248

**Legal Deadline:** None

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

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

individual State's need relative to all other State agencies' needs. (05-003)

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/06	
NPRM Comment Period End	06/00/06	
Final Action	06/00/07	
Final Action Effective	07/00/07	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** This action consolidates two previous actions: the FMNP Funding Formula Rule, RIN 10584-AD41 (withdrawn in the spring 2005 agenda), and the Implementation of the FMNP Provisions Included in the Child Nutrition and WIC Reauthorization Act of 2004, RIN 10584-AD46 (withdrawn from the fall 2004 agenda).

**URL For More Information:**

[www.fns.usda.gov/wic](http://www.fns.usda.gov/wic)

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**Related RIN:** Merged with 0584-AD41

RIN: 0584-AD74

**304. • FOOD STAMP PROGRAM: EXPIRATION OF RESIDUAL PAPER COUPONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-193

**CFR Citation:** 7 CFR 274.12(a)

**Legal Deadline:** None

**Abstract:** Food stamp benefits are now issued and redeemed electronically as of the completion of nationwide electronic benefit transfer (EBT) system implementation in June 2004. However, residual coupons from the old paper issuance system remain in circulation. This rule proposes to set an expiration date for all paper coupons. Such action is necessary because there is no longer an infrastructure for redeeming the coupons. Retailers are becoming

unfamiliar with coupons and how to process them, and some banks are refusing to redeem them because of the diminishing amount. Furthermore, despite decreased coupon redemptions, the FNS contract with the Federal Reserve Bank to redeem coupons deposited by retailers into financial institutions continues to cost FNS approximately \$3 million per year due to overhead costs.

In order to give clients ample opportunity to spend any remaining coupons they still have in their possession, we will propose to give clients 1 year from the final rule's publication date to spend their coupons. After 1 year, grocery stores will no longer be able to accept coupons. This timeframe is consistent with procedures for permanently expunging EBT food stamp accounts that have not been accessed for 1 year. (05-004)

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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RIN: 0584-AD75

**305. • REVISIONS AND CLARIFICATIONS IN REQUIREMENTS FOR THE PROCESSING OF DONATED FOODS FOR USE IN THE NATIONAL SCHOOL LUNCH PROGRAM AND OTHER FOOD ASSISTANCE PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 250.3, 250.13, 250.16, 250.17, 250.18; 7 CFR 250.19, 250.24, 250.30

**Legal Deadline:** None

## USDA—FNS

## Proposed Rule Stage

**Abstract:** This proposed rule would amend current regulations to require multi-State processors to sign National Master Processing Agreements (NMPA) with the Department to process donated foods into end products, as under a current demonstration project. Under NMPA, the Department would be responsible for the review and approval of end product data schedules and the management of the processor's performance bond to protect the value of donated food inventories. Processors would still be required to enter into State Participation Agreements (SPA) to sell end products in the State and to meet other State-specific processing options. The proposals would reduce the workload currently required of State agencies in approving end product data schedules and accounting for donated foods provided to processors. However, State agencies may continue to ensure that processing requirements are met under current agreement or contract options.

This proposed rule would also amend other processing requirements to reduce the paperwork burden and workload and to more fully integrate donated foods with commercial business practices. It would amend current

regulations to: (1) Allow processing agreements or contracts of up to 5 years duration, rather than the current 1 year, with an option for two 1-year extensions; (2) allow substitution of donated beef and pork with like commercial foods of U.S. origin and of equal or better quality; (3) reduce the frequency of submission of processors' performance reports to distributing agencies with which they have entered into SPA to quarterly, rather than monthly; (4) reduce the frequency of verification of end product sales through commercial distributors to annually, rather than semiannually; (5) reduce independent CPA audit requirements for multi-State processors by revising upward the donated food value thresholds that determine the required frequency of such audits; and (6) require in-State processors to obtain an independent CPA audit every 3 years, and remove the requirement that distributing agencies conduct an on-site review of such processors at least once every 2 years.

Lastly, we would use the rule to rewrite and reorganize processing regulations in a "plain language" format to make them easier to understand for the general public. (05-005)

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

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

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**RIN:** 0584-AD76

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

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

**RIN:** 0584-AD77

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

## Final Rule Stage

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

**Priority:** Other Significant**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** None

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

a nondiscretionary provision of Public Law 105-336. (89-515)

**Timetable:**

Action	Date	FR Cite
NPRM	12/02/02	67 FR 71774
NPRM Comment	04/01/03	
Period End		
Final Action	02/00/06	

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

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**RIN:** 0584-AB10

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

**Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2034**CFR Citation:** 7 CFR 274.12**Legal Deadline:** None

**Abstract:** This rule makes revisions to food stamp regulations affecting the standards and administration of EBT systems for food stamp issuance. Current regulations at 7 CFR 274.12 delineate the standards that EBT systems must meet in order to be approved for operation. This rule revises those regulations to provide the State agency more flexibility in implementing and operating those systems. Clarifications and FNS settlement improvements are also incorporated into the rule. The rule

## USDA—FNS

## Final Rule Stage

contains a provision to provide State agencies with a new option to allow retailers with commercial equipment to use a Store and Forward process instead of the manual voucher process when the system is down. This provision will go forward as an interim provision so that the Department can solicit additional comments. All the other provisions will go forward as final. (96-016)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0584-AC37

**309. NATIONAL SCHOOL LUNCH PROGRAM: REIMBURSEMENT FOR SNACKS IN AFTERSCHOOL CARE PROGRAMS**

**Priority:** Other Significant

**Legal Authority:** PL 105-336

**CFR Citation:** 7 CFR 210; 7 CFR 235; 7 CFR 245

**Legal Deadline:** None

**Abstract:** The William F. Goodling Child Nutrition Reauthorization Act of 1998 amended the Richard B. Russell National School Lunch Act to authorize reimbursement for snacks served under the NSLP in afterschool care programs operated by schools. The afterschool program must be organized primarily to provide care for children and have an educational or enrichment purpose. Additionally, the statute mandates free snacks for all children enrolled in afterschool care programs operated by

schools in areas served by a school in which at least 50 percent of the enrolled children are certified for free or reduced price meals. (98-007)

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/00	65 FR 60502
NPRM Comment Period End	01/09/01	
Final Action	10/00/05	
Final Action Effective	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AC72

**310. 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	10/00/05	
Final Action Effective	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AC75

**311. SPECIAL NUTRITION PROGRAMS: DISCLOSURE OF CHILDREN'S ELIGIBILITY INFORMATION UNDER THE CHILD NUTRITION PROGRAMS**

**Priority:** Other Significant

**Legal Authority:** PL 106-224, sec 242; PL 103-448, sec 108

**CFR Citation:** 7 CFR 215; 7 CFR 225; 7 CFR 226; 7 CFR 245

**Legal Deadline:** Final, Statutory, October 20, 2000.

**Abstract:** This rule establishes requirements for the disclosure of children's free and reduced price meal and free milk eligibility information by agencies that make the free and reduced price meal or free milk determination under the National School Lunch Program, the School Breakfast Program, the Special Milk Program, the Child and Adult Care Food Program, and the Summer Food Service Program. The rule responds to amendments to the Richard B. Russell National School Lunch Act, which allow limited disclosure of children's free and reduced-price meal or free milk eligibility information, comments received on the July 25, 2000, proposed rule on "Disclosure of Children's Eligibility Information" (65 FR 45725 issued under RIN 0584-AC21), and comments received on the January 11, 2001, interim rule on "Disclosure of Children's Eligibility Information to State Medicaid and the State Children's Health Insurance Program" (66 FR 2195 issued under RIN 0584-AC95). This rule incorporates the proposed rule and interim rule into one final rule. Therefore, RIN 0584-AC21 was withdrawn, and the final provisions are issued under RIN 0584-AC95. The final rule adopts or modifies as necessary many of the provisions mandated by the statute and required by the interim rule. The objective is to provide consistency in procedures when determining agencies' option to disclose children's eligibility information and to provide some protection against unauthorized disclosures and misuse of personal information, regardless of whether the



## USDA—FNS

## Final Rule Stage

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

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

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

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD16

**313. 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	11/00/05	
Final Action Effective	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

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

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**RIN:** 0584-AD27

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

**Priority:** Other Significant

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

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

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

Other, Statutory, October 1, 2002, PL 107-171, sec 4110.

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

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

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

Section 4117—This rule allows the Secretary of Agriculture to use mailing methods other than certified mail when notifying retailers of the above mentioned adverse actions so long as the method provides evidence of delivery. (02-005)

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/03	68 FR 23927
NPRM Comment Period End	07/07/03	
Final Action	10/00/05	
Final Action Effective	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD28

**315. FSP: ELIGIBILITY AND CERTIFICATION 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–AD30

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

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

**RIN:** 0584–AD31

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

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

**RIN:** 0584–AD32

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 249

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/05	70 FR 30558
NPRM Comment Period End	07/25/05	

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

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

**URL For More Information:**

www.fns.usda.gov

**URL For Public Comments:**

www.fns.usda.gov/wic

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**RIN:** 0584–AD35

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1752

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

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**RIN:** 0584–AD38

**320. 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	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584–AD50

## USDA—FNS

## Final Rule Stage

**321. DISTRICT-WIDE USE OF PROVISIONS 2 AND 3****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–265**CFR Citation:** 7 CFR 245**Legal Deadline:** None

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

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

**Timetable:**

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

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

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**RIN:** 0584–AD51**322. 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	10/00/05	

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

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**RIN:** 0584–AD53**323. APPLYING FOR FREE AND REDUCED PRICE MEALS IN SCHOOLS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–265**CFR Citation:** 7 CFR 245**Legal Deadline:** None

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

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

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

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

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

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

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

**Timetable:**

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

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

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## USDA—FNS

## Final Rule Stage

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**RIN:** 0584-AD54

### 324. 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
Interim Final Rule	11/00/05	
Interim Final Rule Effective	12/00/05	
Interim Final Rule Comment Period End	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD56

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

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 210

**Legal Deadline:** None

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD57

### 326. NUTRITION STANDARDS IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS

**Priority:** Other Significant

**Legal Authority:** PL 108-265, sec 103

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

**Legal Deadline:** None

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

The current regulations specify that reimbursable meals offered by schools meet the Dietary Guidelines for Americans that are specified in the regulations. This final rule would revise the current regulations on nutrition standards to require that participating schools meet the

applicable recommendations of the most recent Dietary Guidelines for Americans as specified in program guidance. This revision would permit USDA and schools to more promptly conform to any new recommendations in the nutrition standards. (04-017)

#### Timetable:

Action	Date	FR Cite
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD59

### 327. CATEGORICAL ELIGIBILITY AND DIRECT CERTIFICATION FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

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

**RIN:** 0584-AD60

### 328. REVISED VERIFICATION PROCEDURES IN THE SCHOOL MEALS PROGRAMS

**Priority:** Other Significant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 210; 7 CFR 245

**Legal Deadline:** None

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

1. Local Educational Authorities (LEAs) verify the eligibility of children in a sample of approved free and reduced-price school meal applications. The basic sample size would be the lesser of 3 percent of all approved applications (as of October 1 of the school year) selected from error-prone

## USDA—FNS

## Final Rule Stage

applications or 3,000 approved error-prone applications. Error-prone applications would be those defined as within \$100 a month or \$1200 annually of the applicable income limit or, alternately, under criteria set by USDA. However, local educational agencies could choose 1 of 2 alternate sample sizes (effectively the options established in current regulations) if:

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

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

2. Requires local educational agencies to complete all verification activities (including required “follow-up” activities) by November 15 of each school year; States may extend this deadline to December 15 under criteria

set by the Secretary. It will also require local educational agencies to make appropriate modifications to eligibility determinations based on their verification activities.

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD61

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

**Priority:** Other Significant

**Legal Authority:** PL 108-265

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD65

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

**Priority:** Other Significant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/05	
Interim Final Rule Effective	12/00/05	
Interim Final Rule Comment Period End	01/00/06	

**Regulatory Flexibility Analysis Required:** No

## USDA—FNS

## Final Rule Stage

**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: SEAMLESS SUMMER OPTION FOR SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

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

**Legal Deadline:** None

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

The Committee Report (108-279) accompanying the Child Nutrition and WIC Reauthorization Act of 2004 notes that the provision closely tracks the current Seamless Summer Feeding Waiver, which has been available to school sponsors nationwide since fiscal year 2002. This interim final rule will amend 7 CFR parts 210 and 220 to incorporate the Seamless Summer Option that will be available to public and private nonprofit school food authorities that participate in the NSLP and SBP. The Department also intends to incorporate into the NSLP and SBP regulations much of the policy that has been developed for schools that were approved by State agencies or FNS to operate the waiver. (04-028)

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD70

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

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

**RIN:** 0584-AD71

### 333. WIC: IMPLEMENTATION OF THE NONDISCRETIONARY WIC CERTIFICATION AND GENERAL ADMINISTRATION PROVISIONS IN THE CN AND WIC REAUTHORIZATION ACT OF 2004 (PUB. L. 108-265)

**Priority:** Other Significant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

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

1. Expansion of definitions of "nutrition education" and "supplemental foods"
2. Infant formula rebate contracts
  - Adds new definitions ("State alliance" and "primary contract infant formula")
  - Limits the size of State alliances — Requires State agencies to use primary

contract infant formula as the first choice of issuance

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

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

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

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

#### 3. Program eligibility

— Provides additional exceptions to the physical presence requirement

#### 4. Food delivery systems

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

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

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

#### 5. Funding and financial management

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

— Allows State agencies to use funds recovered through local agency claims in the same way that it uses funds recovered from vendors and participants. (04-006)

#### Timetable:

Action	Date	FR Cite
Final Action	03/00/06	
Final Action Effective	04/00/06	

**Regulatory Flexibility Analysis Required:** No

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

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

## USDA—FNS

## Final Rule Stage

**Additional Information:** This rule was initially assigned RIN 10584-AD49, and was withdrawn from the Fall 2004 Unified Agenda and Plan on September 14, 2004.

**URL For More Information:**

www.fns.usda.gov/wic

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**RIN:** 0584-AD73

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

## Long-Term Actions

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 226

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AC24

**335. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 226

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/27/02	67 FR 43448
Interim Final Rule Effective	07/29/02	
Interim Final Rule Comment Period End	12/24/02	
Final Action	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**Agency Contact:** Sharon Ackerman

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**RIN:** 0584-AC94

**336. ADMINISTRATIVE ERROR REDUCTION IN THE SCHOOL MEALS PROGRAMS**

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman

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Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD52

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

## Completed Actions

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 247

**Completed:**

Reason	Date	FR Cite
Final Rule	08/11/05	70 FR 47052
Final Rule Effective	09/12/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Sharon Ackerman

Phone: 703 305-2246

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Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AC84

**338. CATEGORICAL ELIGIBILITY OF CERTAIN MIGRATORY, HOMELESS, AND RUNAWAY YOUTH**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Withdrawn—The provisions of this rule have been combined with 0584-AD60.	06/10/05	

**Regulatory Flexibility Analysis**

**Required:** No

## USDA—FNS

## Completed Actions

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman  
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**Related RIN:** Merged with 0584-AD60  
**RIN:** 0584-AD62

### 339. FOOD SAFETY INSPECTIONS, AUDITS, AND REPORTS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 7 CFR 210; 7 CFR 220

**Completed:**

Reason	Date	FR Cite
Interim Final Rule	06/15/05	70 FR 34627
Interim Final Rule Effective	07/15/05	

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AD64

### 340. 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  
**CFR Citation:** 7 CFR 226

**Completed:**

Reason	Date	FR Cite
Interim Final Rule	07/27/05	70 FR 43259
Interim Final Rule Effective	08/26/05	
Interim Final Rule Comment Period End	09/26/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman  
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Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD66

### 341. 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  
**CFR Citation:** 7 CFR 226

**Completed:**

Reason	Date	FR Cite
Final Action	06/15/05	70 FR 34630

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AD69  
**BILLING CODE 3410-30-S**

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

## Proposed Rule Stage

### 342. PERFORMANCE STANDARDS FOR PUMPED OR MASSAGED BACON

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

**RIN:** 0583-AC49

### 343. EGG PRODUCTS INSPECTION REGULATIONS

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

**RIN:** 0583-AC58

### 344. PRIOR LABELING APPROVAL SYSTEM: GENERIC LABEL APPROVAL

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 21 USC 451 to 470; 21 USC 601 to 695

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert Post, Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 205-0279  
Email: robert.post@fsis.usda.gov

**RIN:** 0583-AC59

### 345. 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



## USDA—FSIS

## Proposed Rule Stage

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	09/00/06	

**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  
Phone: 202 205-0495  
Fax: 202 401-1760  
Email: daniel.engeljohn@fsis.usda.gov  
**RIN:** 0583-AC81

### 346. PERFORMANCE STANDARD FOR CHILLING OF READY-TO-COOK POULTRY

**Regulatory Plan:** This entry is Seq. No. 21 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC87

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sally White, Director, International Equivalence Staff, Department of Agriculture, Food Safety and Inspection Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-6400  
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Email: sally.white@fsis.usda.gov

**Related RIN:** Duplicate of 0583-AC92

**RIN:** 0583-AD01

### 348. FOOD DEFENSE PLANS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 9 CFR 420

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**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, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD06

### 349. ACCREDITED LABORATORY PROGRAM

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 318, 381, and 439

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Agency Contact:** Lynn E. Dickey Ph.D, 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

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

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

**RIN:** 0583-AD10

## USDA—FSIS

## Proposed Rule Stage

**351. ELECTRONIC SIGNATURES**

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Wanda Haxton, Program Analyst, 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–AD14

**352. ● DEFINITIONS AND PROCEDURES FOR DETERMINING THE NET WEIGHT COMPLIANCE OF MEAT AND POULTRY PRODUCTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 317; 9 CFR 381; 9 CFR 442

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to amend its inspection regulations to reflect the changes in the National Institute of Standards and Technology (NIST) Handbook 133 standards for determining the reasonable variations allowed, definitions, and procedures used to determine net weight and net weight compliance for meat and poultry products. FSIS' meat and poultry regulations (9 CFR 317.18 through 317.22 and 381.121a through 381.121e) incorporate, by reference, the NIST standards in Handbook 133 as the mandatory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**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–AD17

**353. ● ALLOWING BAR-TYPE CUT TURKEY OPERATIONS TO USE J-TYPE CUT MAXIMUM LINE SPEEDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 381.68

**Legal Deadline:** None

**Abstract:** FSIS is proposing to amend the Federal poultry products inspection regulations to provide that turkey slaughter establishments that open turkey carcasses with Bar-type cuts may operate at the maximum line speeds established for J-type cuts, if the establishment uses the specific type of shackle described in this proposed rule. Under this proposed rule, as under current regulations, the inspector in charge will reduce line speeds when, in his or her judgment, the prescribed inspection procedure cannot be adequately performed within the time available because of the health conditions of a particular flock or because of other factors. Such factors include the manner in which birds are being presented to the inspector for inspection and the level of contamination among the birds on the line.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/05	70 FR 53582
NPRM Comment Period End	12/08/05	
Final Action	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Shaukat Sued, Director, New Technology Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583–AD18

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

Final Rule Stage

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

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

**RIN:** 0583-AC46

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

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

**RIN:** 0583-AC60

**356. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION**

**Regulatory Plan:** This entry is Seq. No. 25 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC72

**357. PERFORMANCE CRITERIA FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES**

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 381; 9 CFR 424

**Legal Deadline:** None

**Abstract:** This rule will allow, on a voluntary basis, the on-line antimicrobial reprocessing of pre-chill poultry that are accidentally contaminated with digestive tract contents during slaughter. Generic *E. coli* will be the indicator organism. This pre-chill criterion will be in addition to the post-chill standards for generic *E. coli* and *Salmonella* already required by the HACCP regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment Period End	04/02/01	
Final Action	09/00/06	

**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  
Phone: 202 205-0495  
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Email: daniel.engeljohn@fsis.usda.gov

**RIN:** 0583-AC73

**358. CLASSES OF POULTRY UPDATING POULTRY CLASS STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 21 USC 451

**CFR Citation:** 9 CFR 381.170(a)

**Legal Deadline:** None

**Abstract:** FSIS is proposing to amend the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of age and sex of the bird. Genetic improvements and new poultry management techniques have reduced the grow-out period for some poultry classes while extensive cross breeding has produced poultry with higher meat yields but blurred breed distinctions. This action is being taken to ensure that poultry products are labeled in a truthful and non-misleading manner. The rule will update existing regulations to reflect current poultry characteristics and production practices. Therefore, the impact on the poultry industry is expected to be minimal.

**Timetable:**

Action	Date	FR Cite
NPRM	09/29/03	68 FR 55902
NPRM Comment Period End	02/09/04	
Final Action	09/00/06	

**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-AC83

**359. 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. 26 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC88

**360. 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

## USDA—FSIS

## Final Rule Stage

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	09/00/06	

**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  
Phone: 202 205-0495  
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Email: daniel.engeljohn@fsis.usda.gov

**Related RIN:** Duplicate of 0583-AC51**RIN:** 0583-AD00**361. PROHIBITION ON THE USE OF AIR-INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE****Priority:** Other Significant**Legal Authority:** Federal Meat Inspection Act; ...**CFR Citation:** 9 CFR 313**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1885

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/07/04	
Final Action	09/00/06	

**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**362. FREQUENCY OF FOREIGN INSPECTION SYSTEM SUPERVISORY VISITS TO CERTIFIED FOREIGN ESTABLISHMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 to 695; 7 CFR 2.18, 2.53; 7 USC 138f, 450; 21 USC 451 to 470**CFR Citation:** 9 CFR 327.2; 9 CFR 381.96**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/04	69 FR 51194

Action	Date	FR Cite
NPRM Comment Period End	10/18/04	
Final Action	09/00/06	

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

**Agency Contact:** Sally White, Director, International Equivalence Staff, Department of Agriculture, Food Safety and Inspection Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250  
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Email: sally.white@fsis.usda.gov

**RIN:** 0583-AD08**363. INCREASES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICES—FISCAL YEARS 2004 TO 2008****Priority:** Substantive, Nonsignificant**Legal Authority:** Federal Meat Inspection Act (21 USC 601, et seq); Poultry Product Inspection Act (21 USC 451, et seq); Egg Product Inspection Act (21 USC 1031, et seq)**CFR Citation:** 9 CFR 391.2; 9 CFR 391.3; 9 CFR 391.4; 9 CFR 590.126; 9 CFR 590.126(a); 9 CFR 592.2; 9 CFR 592.3; 9 CFR 592.4**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/05	70 FR 41635
NPRM Comment Period End	08/19/05	
Final Action	09/00/06	

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

## USDA—FSIS

## Final Rule Stage

**Agency Contact:** Wanda Haxton, Program Analyst, 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-AD12

**364. • ADDITION OF CHILE TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT MEAT AND MEAT PRODUCTS TO THE UNITED STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** None

**CFR Citation:** 9 CFR 327

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to add Chile to the list of countries eligible to export meat and meat products to the United States. Reviews by FSIS of Chile's laws, regulations, and other materials show that its meat inspection system includes requirements equivalent to all provisions in the Federal Meat Inspection Act (FMIA) and its implementing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/05	70 FR 24485

Action	Date	FR Cite
NPRM Comment Period End	07/11/05	
Final Action	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AD16

## Department of Agriculture (USDA)

## Completed Actions

## Food Safety and Inspection Service (FSIS)

**365. 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

**CFR Citation:** 9 CFR 381.172; 9 CFR 319.10

**Completed:**

Reason	Date	FR Cite
Final Action	06/09/05	70 FR 33803

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC82

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 327

**Completed:**

Reason	Date	FR Cite
Final Action	10/04/05	70 FR 57725

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC91

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 320

**Completed:**

Reason	Date	FR Cite
Withdrawn because of new priorities	06/28/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AD11

**368. TERMINATION OF DESIGNATION OF THE STATE OF NORTH DAKOTA WITH RESPECT TO THE INSPECTION OF POULTRY PRODUCTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 381.221; 9 CFR 381.224

**Completed:**

Reason	Date	FR Cite
Final Action	06/17/05	70 FR 35165

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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**RIN:** 0583-AD13

BILLING CODE 3410—DM—S

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Proposed Rule Stage**
**369. 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	01/00/06	
NPRM Comment Period End	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

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**RIN:** 0551-AA68

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Final Rule Stage**
**370. NEW PROVISIONS AND REVISIONS TO SUGAR REEXPORT PROGRAMS UNDER 7 CFR 1530**

**Priority:** Other Significant

**Legal Authority:** 19 USC 1202; 19 USC 3314

**CFR Citation:** 7 CFR 1530

**Legal Deadline:** None

**Abstract:** This regulation governs the importation of world price sugar and its subsequent use as a refined reexport, product ingredient, or input into the production of polyhydric alcohols. The proposed amendments and/or modifications are principally aimed at reorganizing and simplifying the complexity of the current regulation; clarifying certain definitions, including the coverage of beet and cane sugar; extending the scope of the regulation to specially include toll operations,

which was inadvertently omitted; and implementing Mexico-NAFTA legal commitments. The proposed action will provide for increased operational efficiencies and promote the Government's objectives regarding regulatory simplification.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0551-AA65

**BILLING CODE** 3410-10-S

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Proposed Rule Stage**
**371. 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

## USDA—FS

## Proposed Rule Stage

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 18 years since publication of the first version of the proposed rule. Because of the amount of time that has elapsed since the earlier version of the proposed rule was published, the Agency believes that it is in the public interest to publish a revised proposed rule and request comment prior to adopting a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Second NPRM	12/00/05	

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AA52**372. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 620 et seq**CFR Citation:** 36 CFR 223.200**Legal Deadline:** None

**Abstract:** This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 620a(b) of the Forest Resources

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

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**RIN:** 0596-AB27**373. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472; 16 USC 551**CFR Citation:** 36 CFR 212; 36 CFR 214; 36 CFR 215; 36 CFR 228; 26 CFR 241; 36 CFR 251; 36 CFR 254; 36 CFR 292**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed rule to revise the process by which certain parties can appeal decisions relating to authorizations for use and occupancy of National Forest System lands and resources. This proposed rule would create a new part 214 to replace

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**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, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AB45**374. 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,

## USDA—FS

## Proposed Rule Stage

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	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB61

**375. 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	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB70

**376. 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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0596-AB75

**377. LOCATABLE MINERALS**

**Priority:** Other Significant

**Legal Authority:** 30 USC 21 to 54; 30 USC 612

**CFR Citation:** 36 CFR 228, subpart A



## USDA—FS

## Proposed Rule Stage

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

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

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**RIN:** 0596-AB98

### 378. GRAZING PERMIT ADMINISTRATION (INTERIM 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 issued 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: 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
Interim Directives	07/19/05	70 FR 41370
Comment Period End	08/20/05	
Proposed and Interim Directives	08/19/05	70 FR 48663
Comment Period End	12/19/05	
Notice—Previous Actions Withdrawn for Reconsideration	09/20/05	70 FR 55102
Proposed Directives	12/00/07	

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

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**RIN:** 0596-AC12

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1131 to 1136**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed interim directive to Forest Service Manual 2320 to establish policy regarding the use and placement of climbing bolts (fixed anchors) for rock climbing in wilderness. The need for managing the use of climbing bolts in wilderness arose in the late 1980s with disputes over their use in the Superstition Wilderness in Arizona. Since that time, a number of efforts have been initiated to resolve the issue, but have all failed. This includes the establishment of the Fixed Anchors in Wilderness Negotiated Rulemaking Committee in 1999, to develop and recommend a policy to the Secretary of Agriculture. The Negotiated Rulemaking Committee could not reach unanimous consensus on a proposed policy, and was therefore terminated. Representatives of the climbing community have been in frequent contact with the Forest Service since the committee was terminated requesting resolution of the issue.

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

**Timetable:**

Action	Date	FR Cite
Proposed Interim Directive	02/00/06	

**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, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AC21

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497, 551

## USDA—FS

## Proposed Rule Stage

**CFR Citation:** None

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Directive	02/00/06	

**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, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AC24

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 497

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed directive to amend certain portions of agency direction for outfitter/guide special use authorizations. This action is being taken to ensure quality long-term public service and reduce administrative burden to small business and the Agency. The proposed directive would revise a number of existing

provisions and provide new direction. For example, the current fee system would change from one based on a percentage of gross revenue to a flat rate concession fee for minor uses; guidance for considering capacity analysis would be developed, and the transfer and renewal of existing authorizations and the accommodation of short term use would be clarified.

**Timetable:**

Action	Date	FR Cite
Proposed Directives	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC25

**382. SECRETARY DETERMINATION THAT DOMESTIC SPECIES OF UNPROCESSED TIMBER ARE SURPLUS TO DOMESTIC NEEDS WITHIN THE 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	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AC27

**383. 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 promulgated a final rule on June 4, 2003 (68 FR 33595), at 36 CFR part 215, revising the process by which the

## USDA—FS

## Proposed Rule Stage

public can receive notice and be provided an opportunity to comment on proposed actions for projects and activities implementing a land management plan prior to a decision by the Responsible Official. The rule also established an appeal process and identified the decisions that may be appealed, who may appeal those decisions, the responsibilities of the participants in an appeal, and the procedures that apply for the prompt disposition of the appeal.

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC28

### 384. CLARIFYING PROHIBITIONS AGAINST DAMAGE TO THE NATIONAL FOREST BY ESCAPED FIRES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551

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

**Legal Deadline:** None

**Abstract:** The Forest Service intends to amend 36 CFR 261.1, 261.2, and 261.5 to clarify that strict liability will be applied to a person who commits a prohibited action under section 261 that results in a fire escaping and damaging or threatening National Forest System lands. This section has

not been interpreted consistently in the courts. Amending the CFR to align with the Model Penal Code definitions of criminal intent will achieve consistency in application and interpretation.

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC30

### 385. REVISIONS TO GENERAL PROHIBITIONS REGARDING LIVESTOCK AND WILD FREE-ROAMING HORSES AND BURROS ON NATIONAL FOREST SYSTEM LANDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551

**CFR Citation:** 36 CFR 261.7 ; 36 CFR 261.21

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC31

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321 to 4346

**CFR Citation:** None

**Legal Deadline:** None

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

The Healthy Forest Initiatives (HFI) Categorical Exclusion 31.2(10) states 'Hazardous fuels reduction activities ... (d) shall not include the use of herbicide or pesticides. ...' It has come to our attention that a frequently connected action of thinning for fuels reduction is the use of sporax or borax fungicide to maintain stand health. Such fungicides, although commonly used in forestry and elsewhere, are technically classified as a pesticide and as such are not allowed under 31.2(10). This incongruity has had the following

USDA—FS

Proposed Rule Stage

effect: (a) Some units may be alternatively using timber sale improvement category 31.2(6) or other categories, because they do not preclude the use of fungicides. This results in an underreporting of HFI accomplishments, and given the scope of the other categories, it is likely that fewer acres are being treated; (b) Although not confirmed, some units may not be treating the harvested stands to protect against fungal agents which could put stands at risk; and (c) Some units may be alternatively using environmental assessments. This results in increased planning costs and time and underreporting of HFI accomplishments.

**Timetable:**

Action	Date	FR Cite
Proposed Directive	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC32

**387. PISCICIDE APPLICATIONS ON NATIONAL FOREST SYSTEM LANDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

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

**Legal Deadline:** None

**Abstract:** State Fish and Game agencies typically use piscicides as a tool for managing fish populations in water bodies of the U.S. At times, these State agencies apply piscicides when they conduct fisheries management on water within the National Forest Systems lands. Current regulations at 36 CFR 251.5 and 261.9(f), require permits for all land uses and prohibit the use of any pesticide on National Forest System lands “. . . except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.” The wording in these regulations has led to confusion

and inconsistent application of Forest Service piscicide policy that has delayed restoration projects and strained working relationships with State cooperators.

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC33

**388. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE DOCUMENTATION FOR SURFACE USE PLANS OF OPERATION FOR EXPLORATION OR DEVELOPMENT OF AN OIL AND GAS LEASE (PROPOSED DIRECTIVE, FSH 1909.15, CH. 30)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 4321 to 4346

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service proposes to add a new categorical exclusion to Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, chapter 30, which addresses categories of actions that normally do not require either an environmental impact statement (EIS) or environmental assessment (EA). The new category will be applicable to the issuance of Surface Use Plans of Operation for exploration or development of an oil and gas lease.

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

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

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

**Timetable:**

Action	Date	FR Cite
Proposed Directive	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## USDA—FS

## Proposed Rule Stage

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**RIN:** 0596-AC34

### 389. WILDERNESS MANAGEMENT (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 2320)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Directive	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC36

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

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

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC38

### 391. ● TRAVEL MANAGEMENT (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL 2300 AND 7700)

**Regulatory Plan:** This entry is Seq. No. 27 in part II of this issue of the **Federal Register**.

**RIN:** 0596-AC39

### 392. ● ADVERTISING AND SPONSORSHIP IN CONCESSIONS WITH PRIVATELY DEVELOPED FACILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed agency interim directive (ID) to Forest Service Manual 2343.03 regarding (1) advertising in concessions involving privately developed facilities operated under special use authorization on National Forest System (NFS) lands and (2) sponsorship of new public services associated with those concessions. With respect to advertising, the current policy addresses only exterior advertising while the proposed policy would add direction to allow the permit holder to advertise inside buildings and other interior spaces owned by the holder. With respect to sponsorship, the proposed policy would add new direction on sponsorships that promote public participation in the management of NFS lands. The proposed ID describes the duration, location, and content of recognition of sponsors. Additionally, the proposed ID addresses special events and would waive a prohibition on exterior advertising during a short-term event and would require the holder to not display the Forest Service shield or other agency symbol in conjunction with product names, services, and advertising.

**Timetable:**

Action	Date	FR Cite
Proposed Interim Directive	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC41

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

**Final Rule Stage**

**393. 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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB21

**394. 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	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Cost reimbursement for processing special use applications and administration of special use authorizations was originally included under RIN 0596-AA36. All provisions pertaining to the special use application and administration process were merged into the final rule published November 30, 1998 (63 FR 65950, RIN 0596-AB35). Thus, this rulemaking addresses only the cost-reimbursement provisions.

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**RIN:** 0596-AB36

**395. 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

## USDA—FS

## Final Rule Stage

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 provide consistency for the sustainability and sale of special forest products including forest botanical products.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0596-AB81

### 396. 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	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB83

### 397. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING CATEGORICAL EXCLUSION (FINAL DIRECTIVE, FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)

**Priority:** Other Significant

**Legal Authority:** 16 USC et seq; 5 USC 301

**CFR Citation:** 36 CFR 219, subpart A

**Legal Deadline:** None

**Abstract:** The Forest Service requested comment on a proposed revision to its procedures for implementing the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations. This revision is being proposed at Forest Service Handbook 1909.15, chapter 30, which describes categorical exclusions, that is, categories of actions that will not result in significant impacts on the human environment and which are therefore exempt from requirements to prepare

further NEPA documentation absent extraordinary circumstances. The proposal would add one such category of actions to the agency's NEPA procedures for final approvals on proposals to develop, amend, or revise land management plans that are comprised of five components which are desired conditions, objectives, guidelines, suitability of areas, and special areas for a forest. This proposal was published in conjunction with the final Forest Service planning regulations published January 5, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/02	67 FR 72770
NPRM Comment Period End	03/24/03	
Final Rule	01/05/05	70 FR 1023
Proposed Directive	01/05/05	70 FR 1062
Comment Period End	03/07/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB86

### 398. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES (FINAL INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2350)

**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

## USDA—FS

## Final Rule Stage

accessibility to pedestrian/hiker trails for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. The proposed policy also would incorporate the definition of a wheelchair and clarify direction that a mobility device that meets that definition of a wheelchair may be used anywhere foot travel is permitted. Comments will be considered in development of the final guidelines.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB92

### 399. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES (FINAL INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2330)

**Priority:** Other Significant

**Legal Authority:** 42 USC 4151; 29 USC 794; 7 CFR 15e

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR part 15e require that new or reconstructed facilities be accessible. The proposed Forest Service Outdoor Recreation Accessibility Guidelines would amend Forest Service Manual (FSM) chapter 2330, Publicly Managed Recreation Opportunities, by establishing clear agency guidelines to provide the highest level of accessibility for the greatest number of people, including persons with disabilities, while not fundamentally

altering the environment and recreational setting. Outdoor recreation facilities include campgrounds, picnic areas, beach access and other access routes, and so on. The proposed policy also would clarify direction regarding existing requirements for the Golden Access Passport eligibility and documentation utilized by all Federal agencies under the 1980 amendment to the Land and Water Conservation Fund Act. Comments will be considered in development of the final guidelines.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB93

### 400. 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	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB96

### 401. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVES (FINAL DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 1330, 1900, AND FOREST SERVICE HANDBOOK 1909.12)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC et seq; 5 USC 301

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service published 12 interim directives to the Forest Service Manual (FSM) 1330, New Management Strategies; 1900, Planning; 1920, Land and Resource Management Planning; and Forest Service Handbook (FSH) 1909.12, Land and Resource Management Planning Handbook. These directives provide the detailed direction to agency employees necessary to implement the provisions in the final rule adopted at 36 CFR part 219 governing land and resource management planning. The final rule was published on January 5, 2005 (70 FR 1023).

**Timetable:**

Action	Date	FR Cite
Interim Directives	03/23/05	70 FR 14637
Comment Period End	06/21/05	
Final Directives	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**



## USDA—FS

## Final Rule Stage

www.fs.fed.us/emc/nfma/index.htm

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**Related RIN:** Related to 0596-AB86

**RIN:** 0596-AC02

#### 402. 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	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC09

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Forest Service will be publishing a final rule amending 36 CFR part 212 by establishing three subparts. Subpart A will be established for Administration of the Forest Transportation System; subpart B will be established for Designation of Roads, Trails, and Areas for Motor Vehicle Use; subpart C will be for use by over-snow vehicles; 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 motor 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 motor 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	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC11

#### 404. 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 Forest Service promulgated an interim final rule on January 9, 2004 (69 FR 1529), at 36 CFR part 218, to establish a predecisional administrative review process whereby persons can seek administrative review and file objections for hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act of 2003 (HFRA). The Agency solicited public comment on the interim final rule for a 90-day period. The comments received will be utilized to finalize 36 CFR part 218.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/09/04	69 FR 1529
Interim Final Rule Comment Period End	04/08/04	
Final Action	09/00/06	

**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,

## USDA—FS

## Final Rule Stage

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RIN: 0596-AC15

#### 405. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER SALE CONTRACTS; MODIFICATION OF CONTRACTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 472a; 16 USC 618; 16 USC 620 to 620j  
**CFR Citation:** 36 CFR 223.112  
**Legal Deadline:** None

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

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

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/04	69 FR 18813
Interim Final Rule Comment Period End	06/08/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0596-AC16

#### 406. 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, 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	07/27/05	70 FR 43349
NPRM Comment Period End	08/26/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0596-AC20

#### 407. INTEGRATED RESOURCE CONTRACTS, FS-2400-13 AND FS-2400-13T (NOTICE OF FINAL CONTRACTS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-7

**CFR Citation:** None

**Legal Deadline:** None

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

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

In order to fully implement the authorities under section 323 of Public

## USDA—FS

## Final Rule Stage

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	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AC26

**408. MARKET-RELATED CONTRACT TERM ADDITIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 36 CFR 223.52

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/29/05	70 FR 37266
Interim Final Rule Comment Period End	08/29/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC29

**409. FEDERAL LANDS RECREATION ENHANCEMENT ACT IMPLEMENTATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-447

**CFR Citation:** 36 CFR 291.2; 36 CFR 261.15

**Legal Deadline:** None

**Abstract:** The Appropriations Act for the Department of the Interior and related agencies for fiscal year 2005 (Pub. L. 108-447) contains the Federal Lands Recreation Enhancement Act that allows the Secretaries of the Interior and Agriculture to establish, modify, change, and collect recreation fees at Federal recreation lands and waters administered by the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service. In addition, the act (1) specifies criteria for how different types of fees may be established and charged in a consistent manner across all the Federal land management agencies; (2) establishes an interagency national recreation pass; (3) requires the establishment of Recreation Resource Advisory Committees to make recommendations relating to public concerns with certain fees in the area covered by the Committee(s); and (4) identifies requirements for providing the public with opportunities to participate in the development of or changing of a recreation fee established

under this act. The Forest Service proposes to amend title 36, Code of Federal Regulations, by removing section 291.2, and revising section 261.15. Revisions to section 261.15 would more accurately describe the types of fees punishable for nonpayment and remove the maximum \$100 fine with language from the act specifying that the failure to pay a required recreation fee under the act is punishable as a Class B misdemeanor.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AC35

**410. • REVISIONS REGARDING ADVERTISEMENT AND BIDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 36 CFR 223.41; 36 CFR 223.63; 36 CFR 223.83; 36 CFR 223.84

**Legal Deadline:** None

**Abstract:** The Forest Service is issuing a direct final rule to amend the current regulation at 36 CFR 223.41 and 223.82 (5)(b) by raising the total specified road construction cost threshold for a small business concern road election from \$20,000 to \$50,000. Congress raised the limit to \$50,000 via the Supplemental Appropriations Act for Fiscal Year 1999 (Pub. L. 105-277, sec. 329 (c)) (Act). The Act eliminated the restriction that precluded small business concerns in the State of Alaska from exercising the road option. The Act also directed the Forest Service to eliminate purchaser credit from timber sales sold after April 1, 1999. The Forest Service implemented these changes upon passage of the law and corrected agency manual and handbook direction. The CFR references to these minimum values have not been changed. This

**USDA—FS**

**Final Rule Stage**

change to the CFRs corrects this policy oversight.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC40

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

**Long-Term Actions**

**411. WATERSHED FORESTRY ASSISTANCE PROGRAM**

**Priority:** Other Significant

**CFR Citation:** None

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Andria D. Weeks  
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**Related RIN:** Related to 0596-AC19

**RIN:** 0596-AC18

**412. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM**

**Priority:** Other Significant

**CFR Citation:** None

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Tribal

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**Related RIN:** Related to 0596-AC18

**RIN:** 0596-AC19

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Timetable:**

Action	Date	FR Cite
Proposed Directive	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks  
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**RIN:** 0596-AC22

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

**Completed Actions**

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

**Priority:** Other Significant

**CFR Citation:** 36 CFR 294

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/19/05	

**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

**415. STATE PETITIONS FOR INVENTORIED ROADLESS AREA MANAGEMENT**

**Priority:** Other Significant

**CFR Citation:** 36 CFR 294, subpart B

**Completed:**

Reason	Date	FR Cite
Final Action	05/13/05	70 FR 25654

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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**RIN:** 0596-AC10

**416. NATIONAL FOREST SYSTEM APPEALS AND LITIGATION (FINAL DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 1570)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

## USDA—FS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Directives	07/29/05	70 FR 43839

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Andria D. Weeks

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RIN: 0596-AC13

**417. 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

CFR Citation: 36 CFR 228.4

**Completed:**

Reason	Date	FR Cite
Final Action	06/06/05	70 FR 107

**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

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

Priority: Substantive, Nonsignificant

CFR Citation: None

**Completed:**

Reason	Date	FR Cite
Final Directive	04/14/05	70 FR 19727

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AC23

BILLING CODE 3410-11-S

## Department of Agriculture (USDA)

## Completed Actions

## Office of the General Counsel (OGC)

**419. • DEPARTMENT OF AGRICULTURE CIVIL MONETARY PENALTIES ADJUSTMENT**

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-410; PL 104-134

CFR Citation: 7 CFR 3, 278, 400

Legal Deadline: None

**Abstract:** The Office of General Counsel within USDA is proposing an inflation adjustment for all applicable

civil monetary penalties imposed by agencies within USDA in accordance with the Federal Civil Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

**Timetable:**

Action	Date	FR Cite
Final Action	05/24/05	70 FR 29573

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Adam J. Hermann, Attorney, Department of Agriculture, Office of the General Counsel, 1400 Independence Avenue SW, Washington, DC 20250-1400  
Phone: 202 260-1615

RIN: 0510-AA01

BILLING CODE 3410-01-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Office of the Secretary (AgSEC)

**420. VOLUNTARY LABELING PROGRAM FOR DESIGNATED BIOBASED PRODUCTS**

Priority: Other Significant

Legal Authority: PL 107-171

CFR Citation: 7 CFR 2902

Legal Deadline: Final, Statutory, May 12, 2003.

**Abstract:** This rulemaking would define, establish, and implement a voluntary labeling program for a preferred procurement program for

biobased products within the Federal Government.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

**URL For More Information:**

www.biobased.oce.usda.gov

**Agency Contact:** Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, Room 4059, South Building, Washington, DC 20250  
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RIN: 0503-AA28

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

Final Rule Stage

**421. 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	11/00/05	

**Regulatory Flexibility Analysis Required:** No

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

**Federalism:** Undetermined

**Agency Contact:** Annie Walker-Bradley, Acting Director Planning and Accountability, Department of Agriculture, Office of the Secretary, Room 4632 South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0503-AA21

**422. DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 2902

**Legal Deadline:** Final, Statutory, November 12, 2002.

**Abstract:** This rulemaking will amend 7 CFR 2902 to designate six items that are made with biobased products that would be afforded Federal procurement preference, as provided for under section 9002 of the Farm Security and Rural Investment Act of 2002. The six items are: Mobile equipment hydraulic fluids; urethane roof coatings; water tank coatings; diesel fuel additives; penetrating lubricants; and bedding, bed linens, and towels.

**Timetable:**

Action	Date	FR Cite
NPRM	07/05/05	70 FR 38612
NPRM Comment Period End	09/06/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**URL For More Information:**  
[www.biobased.oce.usda.gov](http://www.biobased.oce.usda.gov)

**Agency Contact:** Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, Room 4059, South Building, Washington, DC 20250  
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**RIN:** 0503-AA29

**BILLING CODE 3410-90-S**
**Department of Agriculture (USDA)**  
**Rural Business—Cooperative Service (RBS)**

Proposed Rule Stage

**423. 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	11/00/05	
NPRM Comment Period End	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business—Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA26

**424. 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

## USDA—RBS

## Proposed Rule Stage

regulations more clear and easier to understand.

**Timetable:**

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

**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, Washington, DC 20250  
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**RIN:** 0570-AA41

**425. 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	06/00/06	
NPRM Comment Period End	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA48

**426. 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	08/00/06	
NPRM Comment Period End	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA53

**427. EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 1980; 7 CFR 4274; 7 CFR 4279

**Legal Deadline:** None

**Abstract:** The Agency proposes to amend RD Instructions 1980-E, 4274-D, and 4279-B to remove the prohibition on making financial assistance available to faith-based organizations. These regulations are to be further amended to provide guidance regarding the separation of inherently religious activities and those for which assistance is provided.

This guidance is the same in both justification and purpose to that provided in the final rule amendments to 7 CFR part 16, published in the Federal Register on July 9, 2004, Volume 69, pages 41375 to 41383.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Richard Bonnet, Senior Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250

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**RIN:** 0570-AA61

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

**Final Rule Stage**

**428. 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 record keeping 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	12/00/05	

**Regulatory Flexibility Analysis Required:** 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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 Fax: 202-720-2213  
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**RIN:** 0570-AA19

**429. RURAL BUSINESS INVESTMENT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 107-171, sec 6029

**CFR Citation:** 7 CFR 4290

**Legal Deadline:** None

**Abstract:** This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act, which authorizes the Rural Business Investment Program. The purpose of the program is the establishment of equity capital investment in Rural Business Investment Companies and other entities through a combination of grants and guarantees of debentures with the objective of fostering economic development in rural areas. By law, the program is required to be administered by another Federal agency that has

considerable expertise in operating a similar program. The Rural Business-Cooperative Service has contracted with the Small Business Administration.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 32200
Interim Final Rule Comment Period End	07/08/04	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Michael Foore, Program Advisor, Office of the Administrator, Department of Agriculture, Rural Business—Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA35

**430. 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 non-rural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/04	69 FR 64829

Action	Date	FR Cite
Interim Final Rule Comment Period End	12/09/04	
Interim Final Rule Effective	12/09/04	
Final Action	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business—Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA39

**431. 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



## USDA—RBS

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/06/03	
Final Action	03/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

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

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

**Federalism:** Undetermined

**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569  
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**RIN:** 0570-AA47

**432. TANGIBLE NET EQUITY**

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

**Legal Authority:** 7 USC 1932(a)

**CFR Citation:** 7 CFR 1980; 7 CFR 4279

**Legal Deadline:** None

**Abstract:** This rulemaking amends 7 CFR parts 4279 and 1980 by modifying the equity requirement considered in the underwriting of business and industry loans by guaranteed lenders and/or the Rural Business-Cooperative Service as follows:

— In the case of direct or guaranteed refinancing loans only, apply an adjusted equity requirement, where tangible net equity is modified by (i) including asset value to the extent of

the difference between the depreciated book value of real property assets and current market value supported by an independent appraisal, or the original loan amount, whichever is less and (ii) family capital subordinated debt, where the subordinated debt is held by and represents a cash infusion to the business by the owner or close family member, and the repayment terms are such that repayment is not ahead of Agency direct and/or guaranteed loan exposure.

— Increase the equity requirement for energy loans to 40 percent for existing businesses (in existence for 3 years) and 50 percent for new businesses. Construction financing is not an eligible energy loan purpose; energy projects that produce biomass fuel, biogas, fuel cells, or batteries as an output must have completed two operating cycles at design performance levels acceptable to the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/04	69 FR 2521
NPRM Comment Period End	03/16/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA49

**433. 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	04/07/05	70 FR 17616
NPRM Comment Period End	06/06/05	
Final Action	12/00/05	

**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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**RIN:** 0570-AA54

**Department of Agriculture (USDA)  
Rural Business—Cooperative Service (RBS)****Completed Actions****434. AFFIRMATIVE FAIR HOUSING MARKETING PLAN**

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

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

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/05/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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**RIN:** 0570-AA24

**435. ANNUAL RENEWAL FEE**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 4279, subpart B

## USDA—RBS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	10/03/05	70 FR 57483

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Richard Bonnet

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**RIN:** 0570-AA34**436. INTERMEDIARY RELENDING PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 4274**Completed:**

Reason	Date	FR Cite
Direct Final Rule	07/05/05	70 FR 38571

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Local, State, Tribal**Agency Contact:** Lori Washington

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**RIN:** 0570-AA42**437. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS****Priority:** Other Significant**CFR Citation:** 7 CFR 4280**Completed:**

Reason	Date	FR Cite
Final Action	07/18/05	70 FR 41264

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Georg Shultz

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**RIN:** 0570-AA50**BILLING CODE** 3410—XY—S

## Department of Agriculture (USDA)

## Rural Utilities Service (RUS)

## Proposed Rule Stage

**438. 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	08/05/05	70 FR 45314
NPRM Comment Period End	10/04/05	

**Regulatory Flexibility Analysis**

Required: No

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

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**RIN:** 0572-AB40**439. ● WATER AND WASTE LOANS AND GRANTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005**CFR Citation:** 7 CFR 1780**Legal Deadline:** None

**Abstract:** The Rural Utilities Service is proposing to amend its regulation used to process water and waste disposal (WWD) loans and grants. The regulation will be amended to provide predevelopment planning grants for low-income and poverty-stricken areas, enhancements for water and sewer

systems with significant security weaknesses, changes to the use of grant funds for rural or Native Alaskan Villages, mandatory use of pre-authorized debit (PAD) repayment for borrowers, modified reserve requirements for borrowers, simplified application process, requirements for alternative project delivery methods, and planning for future enhancements to delivery of the program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis**

Required: No

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

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0572-AC03

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

Final Rule Stage

**440. SERVICING OF WATER PROGRAMS LOANS AND GRANTS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service consolidates and amends the regulations utilized to service water and waste loan and grant programs. Unnecessary and burdensome requirements for water and waste loan and grant servicing under the program will be eliminated. The streamlining will allow RUS to provide better service to entities needing assistance in resolving financial and economic problems in their communities and in general improve the quality of life in rural areas.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/04	69 FR 65546
NPRM Comment Period End	01/14/05	
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB59

**441. ELIMINATION OF SUBPART M: OPERATIONAL CONTROLS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq, 1921 et seq, 6941 et seq

**CFR Citation:** 7 CFR 1717

**Legal Deadline:** None

**Abstract:** RUS will eliminate subpart M as it has achieved the goal of providing a bridge during the transition from old to new loan documents. Most borrowers eligible for new loan documents have already made the change and many of the remaining

“legacy” borrowers do not plan to be active borrowers in the future.

**Timetable:**

Action	Date	FR Cite
NPRM	11/08/04	69 FR 64689
NPRM Comment Period End	01/07/05	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB97

**442. ● PUBLIC TELEVISION STATION DIGITAL TRANSITION GRANT PROGRAM**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Federal Communications Commission had required all television broadcasters to initiate the broadcast of a digital television signal and to cease analog television broadcasts. To assist stations with the transition, Congress recognized the need to facilitate the digital transition in public television stations that serve rural areas. This grant program will assist rural public television to finance the conversion of television services to digital broadcasting. To continue this program in Y 2005, Congress provided \$10 million for grant funds in the Consolidated Appropriations Act, 2005 (Pub. L. 108-447). Congress also authorized additional purposes, which were specifically excluded in the NOFA. This regulation will incorporate the new statutory requirements and updates this competitive grant program for FY 2005.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0572-AC02

**443. ● RURAL AREA DEFINITIONS FOR RUS WEP PROGRAMS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1775; 7 CFR 1778; 7 CFR 1779; 7 CFR 1780; 7 CFR 1783

**Legal Deadline:** None

**Abstract:** RUS is issuing a regulation to standardize the definition of “rural” and “rural area” to implement section 6020 of the Farm Security and Rural Investment Act of 2002, to amend section 343 (13) (B) of the Consolidated Farm and Rural Development Act, which defines the term “rural” and “rural area” for the purpose of water and waste disposal grants, and direct and guarantee loans provided under paragraphs (1), (2), and (24) of section 306 (a). This rule will create a standard definition of “rural” and “rural area” with respect to RUS Water and Environmental Programs in 7 CFR 1775, 1778, 1779, 1780, and 1783.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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## USDA—RUS

## Final Rule Stage

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RIN: 0572-AC04

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

## Long-Term Actions

**444. SPECIAL EQUIPMENT CONTRACT (NOT INCLUDING INSTALLATION), RUS FORM 398**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1755

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AB76

**445. EXEMPTION OF CERTAIN BORROWERS FROM CONTROLS**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1717

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AB85

**446. TELECOMMUNICATIONS SYSTEM CONSTRUCTION POLICIES AND PROCEDURES**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1753

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: 0572-AB98

**447. LIEN ACCOMMODATIONS AND SUBORDINATIONS FOR 100 PERCENT PRIVATE FINANCING**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1717-R

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: 0572-AB99

**448. SEISMIC SAFETY**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1792

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AC01

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

## Completed Actions

**449. ACCOUNTING REQUIREMENTS FOR RUS TELECOMMUNICATIONS BORROWERS**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1770

Completed:

Reason	Date	FR Cite
Final Action	05/16/05	70 FR 25753

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0572-AB77

**450. HOUSEHOLD WATER WELL SYSTEM GRANT PROGRAM**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1776

Completed:

Reason	Date	FR Cite
Final Action	05/19/05	70 FR 28786

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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## USDA—RUS

## Completed Actions

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**Related RIN:** Previously reported as 0572-AB93

**RIN:** 0572-AC00

**BILLING CODE** 3410-15-S

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

## Final Rule Stage

**451. CONSERVATION SECURITY PROGRAM**

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

**Legal Authority:** 16 USC 3838

**CFR Citation:** 7 CFR 1470

**Legal Deadline:** None

**Abstract:** Under the Conservation Security Program (CSP) NRCS is authorized to provide financial and technical assistance to owners and operators of agricultural operations to promote conservation and improvement of the quality of soil, water, air, energy, plant and animal life, and other conservation purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/04	69 FR 193
NPRM Comment Period End	03/02/04	
Interim Final Rule	06/21/04	69 FR 34502
Interim Final Rule Comment Period End	09/20/04	
Interim Final Rule	03/25/05	70 FR 15201

Action	Date	FR Cite
Interim Final Rule Comment Period End	07/25/05	
Final Action	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Martha Joseph, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, Room 6027-S, P.O. Box 2890, Washington, DC 20013  
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**RIN:** 0578-AA36

**452. GRASSLAND RESERVE**

**Priority:** Other Significant

**Legal Authority:** PL 107-171; 16 USC 3838

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Under Grassland Reserve Program (GRP) the Department enters into easement or rental agreements with owners of grazing land to protect and restore such lands. The Department will designate payment for cost share to restore the functions and values of grasslands.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/04	69 FR 29173
Interim Final Rule Comment Period End	07/20/04	
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0578-AA38

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

## Long-Term Actions

**453. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION**

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

**CFR Citation:** 7 CFR 609

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

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**RIN:** 0578-AA40

**BILLING CODE** 3410-16-S

**Department of Agriculture (USDA)**  
**National Agricultural Statistical Service (NASS)**

## Proposed Rule Stage

**454. DAIRY PRODUCT MANDATORY REPORTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1637

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Would establish a program of mandatory dairy product information

by requiring each manufacturer to report to USDA information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer. This rulemaking would

## USDA—NASS

## Proposed Rule Stage

comply with laws enacted in 2000 and 2002 that amended the Agricultural Marketing Act of 1946.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dan Kerestes, Chief, Livestock Branch, Department of

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**RIN:** 0535-AA00**BILLING CODE** 3410-20-S

## Department of Agriculture (USDA)

## Long-Term Actions

## Office of Procurement and Property Management (OPPM)

**455. AGRICULTURE ACQUISITION REGULATION (AGAR): USE OF BIOBASED MATERIALS**
**Priority:** Other Significant**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Joseph J. Daragan

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**RIN:** 0599-AA12

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**BILLING CODE** 3410-98-S