



Federal Register

**Monday,
December 11, 2006**

Part III

**Department of
Agriculture**

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

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

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, Fall 2006

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 1, 2006.

Jacquelyn Chandler,

Chief, Legislative, Regulatory, and Automated Systems Division.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
150	Honey Research and Promotion: Packer/Importer Board (FV-03-704)	0581-AC37
151	National Organic Program: Sunset (Expiration) of Allowances and Prohibitions Contained on the National List (TM-04-07)	0581-AC51
152	Standards for Condition of Food Containers (FV-05-332)	0581-AC52
153	Perishable Agricultural Commodities Act: Trust Rights (FV-05-373)	0581-AC53
154	National Organic Program: Access to Pasture (TM-05-14)	0581-AC57
155	Multi-Year Revision of Fees for the Fresh Fruit and Vegetable Terminal Market Inspection Services, FV-06-308	0581-AC63

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
156	The National Organic Program: Amending the National List (TM-04-01), Crops and Processing	0581-AC35
157	Changes in Fees and Hourly Fee Rates for Science and Technology Laboratory Services (ST-05-01)	0581-AC48
158	Changes in Fees for Federal Meat Grading and Certification Services (LS-05-05)	0581-AC49
159	Changes in Fees for Voluntary Federal Dairy Grading and Inspection Services (Fee Increase) (DA-05-04)	0581-AC55
160	Federal Processed Fruits and Vegetables, Fee Increase (FV-05-379)	0581-AC56
161	National Organic Program: Amending the National List (Crop and Livestock) TM-06-04	0581-AC61
162	National Organic Program: Amendments to the National List (Livestock) TM-03-04	0581-AC62

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
163	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08)	0581-AB97
164	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04)	0581-AC26

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Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
165	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003)	0581-AC25
166	Eligibility Requirements for USDA Graded Shell Eggs (PY-98-006)	0581-AC50
167	Revision of User Fees for 2006 Cotton Crop Classification Services (CN-06-001)	0581-AC58
168	Specialty Crop Block Grant Program, FV06-1290-1	0581-AC59
169	National Organic Program: Harvey v. Johanns Court Order (TM-06-06)	0581-AC60

Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
170	Procurement of Commodities for Foreign Donation (Reg Plan Seq No. 1)	0560-AH40

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

Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
171	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs	0560-AF60
172	Interest Assistance Program	0560-AG46
173	Ocean Freight Claims Administrative Appeal Process	0560-AG49
174	2002 Farm Bill Regulations—Assistance for Livestock Producers	0560-AG76
175	Selection of FSA State and County Committees	0560-AG90
176	Environmental Compliance and Related Concerns	0560-AH02
177	Debt Collection, Debt Settlement, and Assignment of Payments	0560-AH09
178	Disaster Declaration and Designation	0560-AH17
179	Conservation Contract Debt Write-Down	0560-AH23
180	Guaranteed Farm Loan Fees	0560-AH41
181	Emergency Conservation Program	0560-AH43
182	2005 Hurricane Disaster Assistance Programs	0560-AH45
183	Reassignment of Sugar Allocation Shortfalls	0560-AH50
184	Storage Requirements for Grain Security for Marketing Assistance Loans	0560-AH52
185	Defining Sugar Subject to Marketing Allocations	0560-AH53
186	Indian Tribal Land Acquisition Program (ITLAP) Loan Write-Downs	0560-AH54
187	Guaranteed Loans—Interest To Be Paid on Loss Claims	0560-AH55
188	Appraisal Requirements for Farm Ownership Loans	0560-AH56
189	Farm Storage Facility Loan Program	0560-AH60
190	Grassroots Source Water Protection Program	0560-AH61
191	2006 Disaster Assistance Programs	0560-AH62
192	Interest Rates on Farm Service Agency Farm Loan Programs Guaranteed Loans	0560-AH66

Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
193	Amendments to the Standards for Approval of Warehouses for Commodity Credit Corporation Storage Contracts	0560-AE50
194	Clarification of Informal Appeals Procedures	0560-AG88
195	Retaining Preferred Lender Program (PLP) Status, Processing Loss Claims, Payment of Interest Accrued During Bankruptcy, and Redemption Rights Periods for Guaranteed Loans	0560-AH07
196	Planting Reporting for Tropical Crops—Noninsured Crop Disaster Assistance Program	0560-AH19
197	Confidentiality of Conservation Program Information	0560-AH32
198	Guaranteed Loans—Unauthorized Assistance	0560-AH34
199	Grains and Similarly Handled Commodities—Marketing Assistance Loans and Loan Deficiency Payments for the 2002 Through 2007 Crop Years	0560-AH38

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Farm Service Agency—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
200	Cooperative Marketing Associations	0560-AH42
201	Emergency Forestry Conservation Reserve Program	0560-AH44
202	Revisions of Delegations of Authority	0560-AH46
203	Extension of the Milk Income Loss Contract Program	0560-AH47
204	Regulations for the United States Warehouse Act; Cotton Loans	0560-AH48
205	Percentages for Direct and Counter-Cyclical Program Advance Payments	0560-AH49
206	Revisions of Delegations of Authority	0560-AH51
207	Regulations Regarding Employee Conflicts of Interest	0560-AH57
208	Delegation of Authority; Cooperative Agreements for Conservation Programs	0560-AH58
209	2005 Dairy Disaster Assistance Payment (DDAP-II) Program	0560-AH59
210	2005 Cottonseed Payment Program	0560-AH63
211	Removal of Obsolete Regulations; Holding Of Referenda	0560-AH64
212	Removal of Obsolete Regulations	0560-AH65

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
213	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review)	0579-AB24
214	Tuberculosis in Cattle; Import Requirements (Section 610 Review)	0579-AB44
215	Boll Weevil; Quarantine and Regulations	0579-AB91
216	Trichinae Certification Program	0579-AB92
217	Standards for Permanent, Privately Owned Horse Quarantine Facilities (Section 610 Review)	0579-AC00
218	Animal Welfare; Regulations and Standards for Birds (Reg Plan Seq No. 2)	0579-AC02
219	Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment (Rulemaking Resulting From a Section 610 Review) (Reg Plan Seq No. 3)	0579-AC03
220	National Veterinary Accreditation Program (Rulemaking Resulting From a Section 610 Review)	0579-AC04
221	Sharing Confidential Business Information Regarding the Introduction of Genetically Engineered Organisms and Products With Government Agencies	0579-AC08

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Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
222	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
223	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579-AB35
224	Revision of Fruits and Vegetables Import Regulations (Reg Plan Seq No. 4)	0579-AB80
225	Phytophthora Ramorum; Quarantine and Regulations (Reg Plan Seq No. 5)	0579-AB82
226	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579-AB84
227	Viruses, Serums, Toxins, and Analogous Products; Records and Reports	0579-AB90
228	Special Need Requests Under the Plant Protection Act	0579-AB98

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Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
229	Plant Pest Regulations; Update of Current Provisions (Section 610 Review)	0579-AA80
230	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
231	Karnal Bunt Compensation	0579-AB45

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

Sequence Number	Title	Regulation Identifier Number
232	Movement of Unroasted Coffee Into Hawaii and Puerto Rico	0579-AB96
233	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579-AB97
234	Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity	0579-AB99
235	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities	0579-AC01
236	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579-AC05
237	Agricultural Inspection and AQL User Fees Along the U.S./Canada Border	0579-AC06
238	Citrus Canker; Quarantine of the State of Florida	0579-AC07

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
239	Gypsy Moth; Interstate Movement of Regulated Articles (Completion of a Section 610 Review)	0579-AB55
240	Pine Shoot Beetle Host Material From Canada	0579-AB76
241	Importation of Small Lots of Seed Without Phytosanitary Certificates	0579-AB78
242	Importation of Swine and Swine Products From the European Union	0579-AB79
243	Requirements for Requests To Amend Import Regulations	0579-AB83
244	User Fees for Agricultural Quarantine and Inspection Services	0579-AB88

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

Sequence Number	Title	Regulation Identifier Number
245	CSREES Agricultural Extension Formula Programs—Administrative Provisions	0524-AA26
246	CSREES Non-Formula Grant Programs—Administrative Provisions	0524-AA28

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	Revised Administrative Provisions—Small Business Innovation Research Grants Program	0524-AA31
249	Revised Administrative Provisions—National Research Initiative Competitive Grants Program	0524-AA32

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

Sequence Number	Title	Regulation Identifier Number
250	CSREES Agricultural Research Formula Programs—Administrative Provisions	0524-AA27
251	Guidelines for Hatch Multistate Research Funds	0524-AA29

Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
252	Civil Rights Compliance Requirements—1901-E to 1940-D	0575-AA83
253	National Flood Insurance Regulations	0575-AC07

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Rural Housing Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
254	Servicing Community Programs Loans and Grants	0575-AC12
255	Self-Help Technical Assistance Grants	0575-AC20
256	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations	0575-AC27
257	Planning and Performing Construction and Other Development	0575-AC55
258	Environmental Policies and Procedures	0575-AC56
259	Community Programs Guaranteed Loans	0575-AC58
260	Section 538 Guaranteed Rural Rental Housing Program Change Annual Guarantee Fee Due Date	0575-AC62
261	Guaranteed Rural Rental Housing—Elimination of Construction Guarantee	0575-AC64
262	Thermal Requirements (Rulemaking Resulting From a Section 610 Review)	0575-AC65

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
265	3550—Direct Single-Family Housing Loans and Grants	0575-AC54
266	Amend 3550—Direct Single-Family Housing Loans and Grants	0575-AC59

Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
267	Surety Requirements	0575-AC63

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
268	General Administrative Regulations; Sanctions—Administrative Remedies for Non-Compliance	0563-AB73
269	General Administrative Regulations; Actual Production History (APH)	0563-AB83
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, Mustard Crop Insurance Provisions	0563-AC04
274	General Administrative Regulations; Appeal Procedures and Standards for Approval—Reinsurance Agreement	0563-AC06
275	Common Crop Insurance Regulations, Grape and Table Grape Crop Insurance Provisions	0563-AC09
276	Common Crop Insurance Regulations, Apple Crop Insurance Provisions	0563-AC10
277	Emergency and Disaster Procedures for Crop Insurance Purposes	0563-AC11
278	Common Crop Insurance Regulations; Millet Crop Insurance Provisions	0563-AC12

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
279	Common Crop Insurance Regulations, Florida Citrus Fruit Crop Insurance Provisions	0563-AC01
280	Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions	0563-AC02
281	Common Crop Insurance Regulations, Mint Crop Insurance Provisions	0563-AC03
282	Common Crop Insurance Regulations, Northern Potato Crop Insurance Provisions	0563-AC05
283	Common Crop Insurance Regulations, Walnut Crop Insurance Provisions; Almond Crop Insurance Provisions	0563-AC08

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Federal Crop Insurance Corporation—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
284	Common Crop Insurance Regulations, Nursery Crop Provisions, Nursery Peak Inventory Endorsement and Nursery Rehabilitation Endorsement	0563-AC13

Federal Crop Insurance Corporation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
285	Common Crop Insurance Regulations and Various Crop Insurance Provisions	0563-AB96

Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
286	General Administrative Regulations; Nonstandard Underwriting Classification System	0563-AB66
287	Common Crop Insurance Regulations, Peanut Crop Insurance Provisions	0563-AB97
288	Common Crop Insurance Regulations, Basic Provisions; Written Agreements	0563-AC07

Grain Inspection, Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
289	United States Standards for Rough Rice; United States Standards for Brown Rice for Processing; and United States Standards for Milled Rice	0580-AA94

Grain Inspection, Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
290	United States Standards for Sorghum	0580-AA91
291	Fees for Rice Inspection Service	0580-AA92
292	Clear Title Program; Technical Changes	0580-AA93
293	Official Fees and Tolerances for Barley Protein Testing	0580-AA95

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

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

Grain Inspection, Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
295	United States Standards for Soybeans	0580-AA90

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Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
296	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program	0584-AB51
297	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits	0584-AD12
298	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers	0584-AD15
299	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ..	0584-AD25
300	FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns	0584-AD44
301	Special Nutrition Programs: Fluid Milk Substitutions (Reg Plan Seq No. 6)	0584-AD58
302	Nutrition Standards in the National School Lunch and School Breakfast Programs	0584-AD59
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	FSP: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores	0584-AD78
305	Revisions and Clarifications in Requirements for the Distribution and Control of Donated Foods	0584-AD81

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Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
306	Child and Adult Care Food Program: Improving Management and Program Integrity (Reg Plan Seq No. 7)	0584-AC24
307	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems	0584-AC37
308	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs	0584-AC72
309	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity	0584-AC94
310	Disclosure of Children's Free, and Reduced Price Meals, and Free Milk Eligibility Information in the Child Nutrition Programs	0584-AC95
311	Afterschool Snacks Under the Child and Adult Care Food Program	0584-AD27
312	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 (Reg Plan Seq No. 8)	0584-AD30
313	Quality Control Provisions of Title IV of Public Law 107-171 (Reg Plan Seq No. 9)	0584-AD31
314	Senior Farmers' Market Nutrition Program (SFMNP)	0584-AD35
315	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions	0584-AD36
316	Procurement Requirements for the National School Lunch, School Breakfast, and Special Milk Programs	0584-AD38
317	Data Collection Related to Institutions and Organizations	0584-AD43
318	Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions	0584-AD45
319	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
320	District-Wide Use of Provisions 2 and 3	0584-AD51
321	Administrative Error Reduction in the School Meals Programs	0584-AD52
322	Applying for Free and Reduced Price Meals in the National School Lunch Program, and School Breakfast Program, and for Benefits in the Special Milk Program	0584-AD54
323	Direct Certification of Children in Food Stamp Households and Certification of Homeless, Migrant and Runaway Children for Free Meals in the NSLP, SBP, and SMP (Reg Plan Seq No. 10)	0584-AD60
324	Verification of Eligibility for Free, and Reduced Priced Meals in the National School Lunch and School Breakfast Programs	0584-AD61
325	School Food Safety: Hazard Analysis and Critical Control Point System	0584-AD65
326	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
327	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment (Reg Plan Seq No. 11)	0584-AD71
328	WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions	0584-AD73
329	Revisions and Clarifications in Requirements for the Processing of Donated Foods	0584-AD76
330	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages (Reg Plan Seq No. 12)	0584-AD77
331	FSP: Unauthorized Redemption and Trafficking in Program Benefits	0584-AD79

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Food and Nutrition Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
332	Marketing and Sale of Fluid Milk in Schools	0584-AD83

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Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
333	FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems	0584-AD48
334	School Breakfast Program: Severe Need Assistance	0584-AD82

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
335	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Provisions	0584-AB10
336	FSP: Civil Rights Data Collections	0584-AC75
337	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments	0584-AD16
338	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002	0584-AD32
339	FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171	0584-AD37
340	Child Nutrition Programs: National School Lunch Program; Serving Fruits and Vegetables as Afterschool Snacks	0584-AD40
341	State Administrative Expenses	0584-AD53
342	Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child Nutrition Programs	0584-AD68
343	Food Distribution Programs—Distributing Agency Evaluations of Non-Commercial Warehousing and Distribution Systems, Cost Comparisons, System Approval and Implementation	0584-AD72
344	Food Stamp Program: Expiration of Residual Paper Coupons	0584-AD75
345	For-Profit Center Participation in the Child and Adult Care Food Program	0584-AD80

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
346	Performance Standards for Pumped or Massaged Bacon	0583-AC49
347	Egg Products Inspection Regulations (Reg Plan Seq No. 13)	0583-AC58
348	Prior Labeling Approval System: Generic Label Approval	0583-AC59
349	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
350	Food Defense Plans	0583-AD06
351	Electronic Signatures	0583-AD14
352	Food Allergen Labeling for Meat, Poultry, and Egg Products	0583-AD22
353	Definition of Veal	0583-AD23
354	Export Product Deviations From Labeling Requirements and Ingredient Restrictions	0583-AD24

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Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
355	Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products (Reg Plan Seq No. 14)	0583-AC46

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

Sequence Number	Title	Regulation Identifier Number
356	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products (Reg Plan Seq No. 15)	0583-AC60
357	Food Standards; General Principles and Food Standards Modernization	0583-AC72
358	Petitions for Rulemaking	0583-AC81
359	Classes of Poultry Updating Poultry Class Standards	0583-AC83
360	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle (Reg Plan Seq No. 16)	0583-AC88
361	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems (Reg Plan Seq No. 17)	0583-AD00
362	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle (Reg Plan Seq No. 18)	0583-AD03
363	Accredited Laboratory Program	0583-AD09
364	Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls (Reg Plan Seq No. 19)	0583-AD10
365	Definitions and Procedures for Determining the Net Weight Compliance of Meat and Poultry Products	0583-AD17
366	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—Completed Actions

Sequence Number	Title	Regulation Identifier Number
367	Performance Criteria for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses	0583-AC73
368	Performance Standard for Chilling of Ready-To-Cook Poultry	0583-AC87
369	Frequency of Foreign Inspection System Supervisory Visits to Certified Foreign Establishments	0583-AD08
370	Addition of the People's Republic of China to the List of Countries Eligible To Export Processed Poultry and Poultry Products to the United States	0583-AD20

Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
371	New Provisions and Revisions to Sugar Re-Export Programs	0551-AA65
372	Quality Samples Program	0551-AA68

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
373	Indian Allotments on National Forest System Lands	0596-AA52
374	Species Surplus to Domestic Manufacturing Needs	0596-AB27
375	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45
376	Law Enforcement Support Activities	0596-AB61
377	Noncompetitive Sale of Timber; Timber Substitution	0596-AB70
378	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596-AB75
379	Locatable Minerals	0596-AB98
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, Chapter 30)	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	Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires	0596-AC30
384	Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands	0596-AC31

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Forest Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
385	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
386	Piscicide Applications on National Forest System Lands	0596-AC33
387	Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations	0596-AC38
388	Travel Management (Proposed Directives, Forest Service Manual 2300 and 7700)	0596-AC39
389	Small Business Administration Timber Sale Set-Aside Program	0596-AC46
390	Linear Right-of-Way Rental Payment Schedule	0596-AC48
391	Forest Service National Environmental Policy Act Procedures (Reg Plan Seq No. 20)	0596-AC49
392	Outfitter and Guide Special Use Authorizations (Proposed Directives, Forest Service Handbook 2709.11, Chapter 40)	0596-AC50
393	Ground Water Resource Management Policy Direction (Proposed New Directive, Forest Service Manual, Chapter 2540)	0596-AC51
394	Forest Service Policy on Partner, Sponsor, and Donor Recognition (Proposed Directive, Forest Service Handbook 1509.14)	0596-AC52
395	Categorical Exclusion for Ski Area Resort Activities (Proposed Directive, FSH 1909.15, Chapter 30)	0596-AC53
396	Threatened, Endangered, and Sensitive (TES) Species, Species-of-Concern, Habitat Management, and Biodiversity Conservation (Proposed Directive, FSM 2670)	0596-AC55
397	Processing Applications for Wind Energy Development on National Forest System Lands (Proposed Directive, Forest Service Manual 2720)	0596-AC61

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

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
398	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596-AB21
399	Special Forest Products and Forest Botanical Products	0596-AB81
400	National Forest System Land Management Planning Categorical Exclusion (Final Directive, Forest Service Handbook 1909.15, Chapter 30) (Reg Plan Seq No. 21)	0596-AB86
401	Delegation of Authority To Approve Free Use by Individuals	0596-AC09
402	Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003	0596-AC15
403	Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts	0596-AC16
404	Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations	0596-AC20
405	Predator Damage Management (Proposed Directive, Forest Service Manual, Chapter 2320)	0596-AC22
406	Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts)	0596-AC26
407	National Environmental Policy Act (NEPA) Compliance Documentation for Surface Use Plans of Operation for Exploration or Development of an Oil and Gas Lease (Final Directive, FSH 1909.15, Ch. 30)	0596-AC34
408	Advertising and Sponsorship in Connection With Concessions Involving Privately Owned Improvements on National Forest System Lands (Final Directive, Forest Service Manual 2340)	0596-AC41
409	Native Plant Materials Policy (Proposed Directive, Forest Service Manual 2070)	0596-AC44
410	Forest Service Renewable Resources Handbook (2409.19), Chapter 60, Stewardship Contracting	0596-AC45
411	Forest Service National Trail Management Classification System (Final Directive, FSM 2330)	0596-AC47
412	Sensitive Species and Endangered Species Act Consultation for Land Management Plans (Interim Directive, Forest Service Manual 2670)	0596-AC54
413	Grizzly Bear Management (Interim Directive, FSM 2676.1)	0596-AC56
414	National Forest System Land Management Planning Directive (Final Directive, Forest Service Handbook 1909.12, Chapter 70-Wilderness Evaluation) (Reg Plan Seq No. 22)	0596-AC57

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

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Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
415	Community and Private Land Forest Fire Assistance Program	0596-AB96
416	Grazing Permit Administration (Proposed Directives, Forest Service Handbook 2209.13, Chapters 10 and 20)	0596-AC12
417	Watershed Forestry Assistance Program (Proposed Directive, Forest Service Manual 3500)	0596-AC18
418	Tribal Watershed Forestry Assistance Program (Proposed Directive, Forest Service Manual 3500)	0596-AC19
419	Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses	0596-AC42
420	Special Areas; State Specific Inventoried Roadless Area Management: Virginia	0596-AC58
421	Special Areas; State Specific Inventoried Roadless Area Management: North Carolina	0596-AC59
422	Special Areas; State Specific Inventoried Roadless Area Management: South Carolina	0596-AC60

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
423	Forest Service Trails Accessibility Guidelines (Final Interim Directive, Forest Service Manual, Chapter 2350)	0596-AB92
424	Forest Service Outdoor Recreation Accessibility Guidelines (Final Interim Directive, Forest Service Manual, Chapter 2330)	0596-AB93
425	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities	0596-AC28

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
426	General Nonprocurement Regulations	0503-AA21
427	Designation of Biobased Items for Federal Procurement, Round 2	0503-AA30
428	Designation of Biobased Items for Federal Procurement, Round 3	0503-AA31

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
429	Voluntary Labeling Program for Designated Biobased Products	0503-AA28
430	Designation of Biobased Items for Federal Procurement	0503-AA29

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
431	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock	0570-AA26
432	Business and Industry Loan Program—Rewrite of Program Regulations	0570-AA41
433	National Security Emergency	0570-AA48
434	Equal Opportunity for Religious Organizations	0570-AA61
435	Amendment of Guarantee Requirements	0570-AA62
436	Socio-Economic Benefit Assessment System (SEBAS)	0570-AA63
437	Renewable Energy Systems and Energy Efficiency Improvements (REEEI) Program	0570-AA64

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Sequence Number	Title	Regulation Identifier Number
438	Rural Economic Development Loan and Grant Program	0570-AA19
439	Rural Business Investment Program	0570-AA35
440	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria	0570-AA39
441	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
442	Tangible Net Equity	0570-AA49

Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
443	Lien Accommodations and Subordinations for 100 Percent Private Financing	0572-AB99
444	Water and Waste Loans and Grants	0572-AC03
445	Specifications for 15, 25, and 35 kV Primary Underground Power Cable	0572-AC05
446	Rural Broadband Access Loans and Loan Guarantees	0572-AC06

Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
447	Telecommunications Standards and Specifications for Materials, Equipment, and Construction	0572-AB40
448	Servicing of Water Programs Loans and Grants	0572-AB59
449	Public Television Station Digital Transition Grant Program	0572-AC02
450	Rural Area Definitions for RUS WEP Programs	0572-AC04

Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
451	Special Equipment Contract (Not Including Installation), RUS Form 398	0572-AB76
452	Exemption of Certain Borrowers From Controls	0572-AB85
453	Elimination of Subpart M: Operational Controls	0572-AB97
454	Telecommunications System Construction Policies and Procedures	0572-AB98
455	Seismic Safety	0572-AC01

Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
456	Conservation Security Program	0578-AA36
457	Grassland Reserve Program	0578-AA38
458	Confidentiality of Conservation Program Information	0578-AA40

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National Agricultural Statistical Service—Completed Actions

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

Office of Procurement and Property Management—Long-Term Actions

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

BILLING CODE 3410—90—S

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

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150. 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 (Association), dated July 8, 2003, to develop an industry-funded research, promotion, consumer education, and information program for honey and honey products. The Association asked that this proposal be held and not sent forward until the industry made some modifications to the proposal. A new proposal was received by the Department in March 2006. 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 of \$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 51 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	12/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles W. Parrott, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit & Vegetable Programs, 14th & Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6393
Fax: 202 720-0016
Email: charles.parrott@usda.gov

RIN: 0581-AC37

151. 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

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 established

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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 before the end of this year.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/05	70 FR 35177
ANPRM Comment Period End	08/16/05	
NPRM	12/00/06	

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**152. 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	12/00/06	
Final Action	02/00/07	

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**153. 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), Perishable Agricultural Commodities Act Branch, has issued 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 firm 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	01/30/06	71 FR 4831
ANPRM Comment Period End	03/16/06	
NPRM	12/00/06	

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**154. NATIONAL ORGANIC PROGRAM: ACCESS TO PASTURE (TM-05-14)****Priority:** Other Significant**Legal Authority:** 7 USC 6501 et seq**CFR Citation:** 7 CFR 205**Legal Deadline:** None

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced agricultural products. Since implementation of the NOP, some members of the public have advocated for a more explicit regulatory standard on the relationship between livestock, particularly dairy animals, and grazing land. They have asserted the current

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regulatory language on access to pasture for ruminants and temporary confinement based on an animal's stage of production, when applied together, do not provide a uniform requirement for the pasturing of ruminant animals that meet the principles underlying an organic management system for livestock and livestock products that consumers expect. Comments received as a result of the proposed rule will assist in determining the Agency's next steps in rulemaking on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/06	71 FR 19131
ANPRM Comment Period End	06/12/06	
NPRM	12/00/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State

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-AC57

155. • MULTI-YEAR REVISION OF FEES FOR THE FRESH FRUIT AND VEGETABLE TERMINAL MARKET INSPECTION SERVICES, FV-06-308

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 51

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) is raising fresh fruit and

vegetable destination market fees by 15 percent in order to: (1) Build and maintain the 4 months of operating reserve as required by AMS policy and (2) cover the costs associated with providing quality inspection services to destination markets.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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, Program Support Section Head, Room 2049-South, 1400 Independence Avenue SW, Washington, DC 20250-0240
Phone: 202 720-0391
Fax: 202 720-5136
Email: rita.bibbs-booth@usda.gov

RIN: 0581-AC63

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

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156. 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 action will 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 action will 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	09/16/05	70 FR 54006
NPRM Comment Period End	11/15/05	
Final Action	12/00/06	

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

157. 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 change the hourly fee rates for Science and Technology (S&T) Laboratory Services. This action is being taken to raise these rates to reflect, among other factors, national and locality pay increases for Federal employees and inflation, operating costs, instrumentation and training, and program and agency administrative overhead costs. In the past, AMS has amended its regulations on an as needed basis in order to recover laboratory program costs. With this proposed regulation, AMS is providing for three annual standard

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hourly fee rate increases for fiscal years 2007-2009. This would provide the agricultural commodity industries and other stakeholders with more timely and relevant information regarding voluntary user fees for laboratory testing services. The agency is also proposing to remove tables and schedules with listings of individual tests and services. Three annual hourly fee rate adjustments are proposed for appeals, holiday, and overtime services to reflect the anticipated increase cost of providing these laboratory services each fiscal year. The regulations are also being updated to identify current facility addresses.

Timetable:

Action	Date	FR Cite
NPRM	09/22/06	71 FR 55369
NPRM Comment Period End	10/23/06	
Final Action	12/00/06	

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

Agency Contact: James V. Falk, Docket Manager, Department of Agriculture, Agricultural Marketing Service, USDA, AMS, Science and Technology, Technical Services Branch, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-4089
Fax: 202 720-4631
Email: james.falk@usda.gov

RIN: 0581-AC48**158. 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 raising 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	03/29/06	71 FR 15631
NPRM Comment Period End	05/30/06	
Final Action	12/00/06	

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, Livestock and Seed Program, Department of Agriculture, 139 Denver West Parkway, Bldg. 53, Suite 350, Lakewood, CO 80401
Phone: 720 497-2520
Fax: 720 497-0571
Email: larry.meadows@usda.gov

RIN: 0581-AC49**159. CHANGES IN FEES FOR VOLUNTARY FEDERAL DAIRY GRADING AND INSPECTION SERVICES (FEE INCREASE) (DA-05-04)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1621 through 1627**CFR Citation:** 7 CFR 54; 7 CFR 58**Legal Deadline:** None

Abstract: The Agricultural Marketing Service is revising regulations pertaining to Grading and Inspection, General Specification for Approved Plants and Standards for Grades of Dairy Products, to increase the fees. The increased fees are necessary to cover the increased costs of Federal employee pay and location adjustments as well as increases in operational costs; provide a limited amount of funding to continue to automate business practices to improve program efficiency and effectiveness; and increase the fees charged to applicants for the review of meat and poultry processing equipment.

Timetable:

Action	Date	FR Cite
NPRM	04/20/06	71 FR 20351
NPRM Comment Period End	05/22/06	
Final Action	12/00/06	

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

Agency Contact: John Mengel, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-4664
Email: john.mengel@usda.gov

RIN: 0581-AC55**160. FEDERAL PROCESSED FRUITS AND VEGETABLES, FEE INCREASE (FV-05-379)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621; 7 USC 1627**CFR Citation:** 7 CFR 52**Legal Deadline:** None

Abstract: The Agricultural Marketing Service (AMS) is raising fees contained in 7 CFR part 52, Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products. The proposed fee increase ranging from 19 to 26 percent will increase revenue by \$2.0 million in fiscal year (FY) 2006. Also, planned fee increases during FY 2007 to FY 2009 will enable AMS to replenish program reserves to a 4.1 month level, approximately \$6.4 million, by the end of FY 2009. Furthermore, it is proposed that an applicant entering into a year-round inspection contract will incur costs for the plant survey and sanitation inspection. This would increase program revenue by approximately \$143,400 annually. Finally, it is proposed that an applicant entering into a year-round inspection contract, less than year-round (four or more consecutive 40-hour weeks) contract, or lot inspection will incur costs for Sunday differential if an employee works on Sunday. This would increase program revenue by approximately \$34.724 annually.

Timetable:

Action	Date	FR Cite
NPRM	07/11/06	71 FR 39017
NPRM Comment Period End	08/10/06	
Final Action	12/00/06	

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

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Agency Contact: Terry B. Bane, Branch Chief, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-4693
Email: terry.bane@usda.gov

RIN: 0581-AC56

161. • NATIONAL ORGANIC PROGRAM: AMENDING THE NATIONAL LIST (CROP AND LIVESTOCK) TM-06-04

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501 et seq

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: The Agricultural Marketing Service is amending the National Organic Programs' National List of Allowed and Prohibited Substances (National List) regulations to reflect recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) on August 17, 2005. Consistent with the recommendations from the NOSB, this proposed rule would add one new substance, along with any restrictive annotations to the National List. The NOSB recommended adding "Sucrose octanoate esters".

Timetable:

Action	Date	FR Cite
NPRM	07/03/06	71 FR 37854
NPRM Comment Period End	08/02/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, 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
Email: mark.bradley@usda.gov

RIN: 0581-AC61

162. • NATIONAL ORGANIC PROGRAM: AMENDMENTS TO THE NATIONAL LIST (LIVESTOCK) TM-03-04

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501 to 6522

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: The Agricultural Marketing Services is amending regulations pertaining to the National Organic Program National List to reflect recommendations submitted to the Secretary of Agriculture by the National Organic Standards Board. This rule will add 13 substances, along with any restrictive annotations to the National List of Allowed and Prohibited Substances.

Timetable:

Action	Date	FR Cite
NPRM	07/17/06	71 FR 40623
NPRM Comment Period End	09/15/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, 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
Email: mark.bradley@usda.gov

RIN: 0581-AC62

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

Long-Term Actions

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

Priority: Other Significant

CFR Citation: 7 CFR 205

Timetable:

Action	Date	FR Cite
ANPRM	12/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Mark A. Bradley
Phone: 202 720-3252
Fax: 202 205-7808

Email: mark.bradley@usda.gov

RIN: 0581-AB97

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

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 7 CFR 60

Timetable:

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

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/03/05	
Interim Final Rule Effective	04/04/05	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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

Agency Contact: Erin Morris
Phone: 202 720-1749
Email: erin.morris@usda.gov

RIN: 0581-AC26

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)
Completed Actions
165. ADMINISTRATIVE REQUIREMENTS FOR VOLUNTARY SHELL EGG, POULTRY, AND RABBIT GRADING (PY-02-003)

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 56; 7 CFR 70

Completed:

Reason	Date	FR Cite
Final Action	07/24/06	71 FR 42005

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Johnson

Phone: 202 690-3153

Fax: 202 690-2746

Email: charles.johnson@usda.gov

RIN: 0581-AC25

166. ELIGIBILITY REQUIREMENTS FOR USDA GRADED SHELL EGGS (PY-98-006)

Priority: Other Significant

CFR Citation: 7 CFR 56

Completed:

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20287

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Bowden, Jr.

Phone: 202 720-3506

Fax: 202 690-0941

Email: david.bowden@usda.gov

Related RIN: Previously reported as 0581-AB56

RIN: 0581-AC50

167. • REVISION OF USER FEES FOR 2006 COTTON CROP CLASSIFICATION SERVICES (CN-06-001)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 473A

CFR Citation: 7 CFR 28

Legal Deadline: Final, Statutory, June 1, 2006.

Abstract: The Agricultural Marketing Service will adjust the user fees for cotton producers for 2006 crop cotton classification services under the Cotton Statistics and Estimates Act in

accordance with the formula specified in the Uniform Cotton Classing Fees Act of 1987. The formula takes into account the inflationary rate, the estimated volume of the crop, and the level of the reserve fund of the Cotton Program. The actual adjustment in the fee was calculated in early 2006, as soon as all three of the factors required by legislation for the formula became available. The user fee for this years' crop cotton classification services is expected to generate \$43 million in revenues.

Timetable:

Action	Date	FR Cite
NPRM	04/20/06	71 FR 20350
NPRM Comment Period End	05/05/06	
Final Action	08/16/06	71 FR 47073
Final Action Effective	08/17/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Darryl Earnest, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14 & Independence Avenue SW, Washington, DC 20250

Phone: 202 720-3193

Fax: 202 690-1718

Email: darryl.earnest@usda.gov

RIN: 0581-AC58

168. • SPECIALTY CROP BLOCK GRANT PROGRAM, FV06-1290-1

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 note

CFR Citation: 7 CFR 1290

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) published a proposed rule in the Federal Register on April 20, 2006, to establish eligibility and application requirements, the review and approval process, and grant administration procedures for the Specialty Crop Block Grant Program (SCBGP). The proposed program is intended to enhance the competitiveness of specialty crops. Between April 20 and May 22, AMS received 82 comments from industry members, congressional members, and the public. The SCBGP is authorized under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note). Section 101 directs

the Secretary of Agriculture to make grants to States for each of the fiscal years 2005 through 2009 to be used by the State departments of agriculture solely to enhance the competitiveness of specialty crops.

Timetable:

Action	Date	FR Cite
NPRM	04/20/06	71 FR 20353
NPRM Comment Period End	05/22/06	
Final Action	09/11/06	71 FR 53303
Final Action Effective	10/11/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Trista Etzig, Project Manager, Department of Agriculture, Agricultural Marketing Service, Department of Agriculture, 14th & Independence Avenue SW, Room 2086-South, Stop 0243, Washington, DC 20250

Phone: 202 690-4942

Email: trista.etzig@usda.gov

RIN: 0581-AC59

169. • NATIONAL ORGANIC PROGRAM: HARVEY V. JOHANNIS COURT ORDER (TM-06-06)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501 et seq

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: The Agricultural Marketing Service's National Organic Program revised certain sections of the National Organic Program regulations to comply with a June 9, 2005, consent final judgment and order issued by the United States District Court, District of Maine, and to address the November 10, 2005, amendments made to the Organic Foods Production Act of 1990, concerning the transition of dairy livestock into organic production.

Timetable:

Action	Date	FR Cite
NPRM	04/27/06	71 fr 24820
NPRM	05/12/06	
Final Action	06/07/06	71 FR 32803

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

USDA—AMS

Completed Actions

Government Levels Affected: Local, State, Tribal
Agency Contact: Barbara Robinson, Deputy Administrator, National Organic

Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 690-1300
RIN: 0581-AC60
BILLING CODE 3410-02-S

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

Final Rule Stage

170. PROCUREMENT OF COMMODITIES FOR FOREIGN DONATION

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

RIN: 0560-AH40

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

Long-Term Actions

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

Priority: Other Significant

CFR Citation: 7 CFR 7; 7 CFR 18

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0560-AF60

172. 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
NPRM Comment Period End	09/06/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

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

RIN: 0560-AG46

173. OCEAN FREIGHT CLAIMS ADMINISTRATIVE APPEAL PROCESS

Priority: Other Significant

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0560-AG49

174. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS

Priority: Other Significant

CFR Citation: 7 CFR 1439

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0560-AG76

175. 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
Final Action	To Be Determined	

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-AG90

176. ENVIRONMENTAL COMPLIANCE AND RELATED CONCERNS

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

CFR Citation: 7 CFR 799

USDA—FSA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH02**177. DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS****Priority:** Other Significant**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**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

Related RIN: Previously reported as 0560-AF22**RIN:** 0560-AH09**178. DISASTER DECLARATION AND DESIGNATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 791; 7 CFR 1945**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH17**179. CONSERVATION CONTRACT DEBT WRITE-DOWN****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1951; 7 CFR 766**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH23**180. GUARANTEED FARM LOAN FEES****Priority:** Other Significant**CFR Citation:** 7 CFR 762**Timetable:**

Action	Date	FR Cite
NPRM	05/15/06	71 FR 27978
NPRM Comment	07/14/06	
Period End		
Correction	07/27/06	71 FR 42605
NPRM Comment	08/04/06	
Period Extended		
Final Action	To Be	Determined

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

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip_elder@wdc.usda.gov

RIN: 0560-AH41**181. EMERGENCY CONSERVATION PROGRAM****Priority:** Economically Significant.

Major under 5 USC 801.

CFR Citation: 7 CFR 701**Timetable:**

Action	Date	FR Cite
NPRM	05/26/06	71 FR 30263
NPRM Comment	06/26/06	
Period End		
Final Action	To Be	Determined

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-AH43**182. 2005 HURRICANE DISASTER ASSISTANCE PROGRAMS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/10/06	71 FR 27188
Interim Final Rule	06/09/06	
Comment Period		
End		
Final Action	To Be	Determined

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-AH45**183. REASSIGNMENT OF SUGAR ALLOCATION SHORTFALLS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1435**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip_elder@wdc.usda.gov

RIN: 0560-AH50**184. • STORAGE REQUIREMENTS FOR GRAIN SECURITY FOR MARKETING ASSISTANCE LOANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 714b**CFR Citation:** 7 CFR 1421**Legal Deadline:** None

USDA—FSA

Long-Term Actions

Abstract: This rule proposes amending regulations governing the Marketing Assistance Loan Programs of the Commodity Credit Corporation (CCC) that are authorized by the Farm Security and Rural Investment Act of 2002 (2002 Act). The major proposed regulatory changes would impact the administration of the programs by amending regulations governing constraints imposed by CCC on warehouses that store CCC grain and similar commodities pledged as collateral for CCC loans.

Timetable:

Action	Date	FR Cite
NPRM	07/03/06	71 FR 37857
NPRM Comment Period End	08/02/06	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0560-AH52

185. • DEFINING SUGAR SUBJECT TO MARKETING ALLOCATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 7272

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: In 7 CFR 1435.2, USDA is modifying the following definition: Sugar means any grade or type of saccharine product derived, directly or indirectly, from sugarcane, sugar beets, sugarcane molasses, or sugar beet molasses and consisting of, or containing, sucrose or invert sugar, including raw sugar, refined crystalline sugar, edible molasses, edible cane syrup, liquid sugar, and in-process sugar.

Currently, sugar produced from imported thick juice and similar sugarcane products such as cane syrup and high test molasses are not charged against a seller's domestic allocation because these products are already considered "sugar," as defined in the

sugar marketing allotment program regulation, upon entry to the United States. However, these products are not classified by the Department of Homeland Security, Bureau of Immigration and Customs Enforcement as "sugar." Therefore, they are not subject to the sugar tariff-rate quota. This inconsistency in the definition of sugar permits imported beet thick juice and its cane syrup counterparts to circumvent the sugar program. If this is done in significant quantities, it could negatively impact sugar prices resulting in CCC expenditures for sugar purchases.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/06	71 FR 5301
ANPRM Comment Period End	11/07/06	
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 of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom.witzig@usda.gov

RIN: 0560-AH53

186. • INDIAN TRIBAL LAND ACQUISITION PROGRAM (ITLAP) LOAN WRITE-DOWNS

Priority: Other Significant

Legal Authority: PL 109-221

CFR Citation: 7 CFR 770

Legal Deadline: None

Abstract: This rule will revise 7 CFR part 770 to comply with the Native American Technical Corrections Act of 2005 (Public Law 109-221, May 12, 2006) ("NATCA"). Section 203 of the NATCA provides that (1) actual rental proceeds from the lease of land acquired by FSA Farm Loan Programs ITLAP loans shall be deemed to constitute the value of that land and (2) satisfies the requirement for an appraisal of that land when a Tribe applies for a write-down based on rental value. Prior to the passage of the NATCA, the value of land that is collateral for an ITLAP loan that is the

subject of an application for a write-down was determined by a market value rent study of market rents for land in the subject land's general area. This requirement reduced the incentive for borrowers who apply for a write-down of the ITLAP loan to manipulate the value of their loan collateral by mismanagement of that land, or otherwise fail to collect a level of rent that reflects the local market. Value was determined by an independent professional source based on the amount that land in the same area and of the same type could be leased. The NATCA removes this requirement. Write-down amounts will be based on the dollar amount the land is rented for, not the amount of rent for which it could be leased.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0560-AH54

187. • GUARANTEED LOANS—INTEREST TO BE PAID ON LOSS CLAIMS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989 et seq

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: This rule proposes to allow a maximum of 210 days of interest to accrue from the payment due date with only one exception—FSA's failure to approve or reject the claim within 40 days of receipt. Also, the actions expected of lenders and FSA staff will be emphasized. Lenders are expected to file estimated or final loss claims on all accounts in a timely manner. Depending on the circumstances, the estimated loss claim could be for zero dollars. FSA staff will be reminded to monitor their estimated loss claims closer to avoid extra interest days.

USDA—FSA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH55

188. • APPRAISAL REQUIREMENTS FOR FARM OWNERSHIP LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 761

Legal Deadline: None

Abstract: This proposed amendment will provide that, for a loan that is not a Farm Ownership Loan, evaluation of the rights to any associated oil, gas, and minerals will not be required for the appraisal to be considered adequate. Conversely, any and all oil, gas, and mineral rights attached to any real estate property being offered as security for a Farm Ownership loan will be required to be evaluated in any real estate appraisal obtained by FSA in connection with the loan decision. Failure to include oil, gas, and minerals in the appraisal for a loan that is not a Farm Ownership Loan will in no way impair the Agency's ability to obtain our rights associated with a mortgage, deed of trust, or other security interest in such oil, gas, and minerals.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH56

189. • FARM STORAGE FACILITY LOAN PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 714

CFR Citation: 7 CFR 1436

Legal Deadline: None

Abstract: The CCC Charter Act authorizes CCC to provide financing for producers to build or upgrade farm storage and handling facilities. The Farm Storage Facility Loan Program was implemented in May 2000, with the final rule published in the Federal Register on January 18, 2001. Since that time, questions have come up regarding specific subjects not addressed in the final rule. The regulation presently states that the structure financed must be used to store an eligible facility loan commodity until the loan is repaid. The eligible facility loan commodities include wheat, rice, soybeans, sunflower seed, canola, rapeseed, safflower, flaxseed, mustard seed, dry peas, lentils, and small chickpeas harvested as whole grains, and peanuts. In addition, corn, grain sorghum, oats, wheat, and barley are eligible commodities to be stored as either whole grain or other than whole grain. Due to recent inquiries into the program for the storage of hay and processed feed, the regulation needs to be amended to include procedure to follow when an ineligible commodity is stored in a structure under loan.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH60

190. • GRASSROOTS SOURCE WATER PROTECTION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 3839bb-2

CFR Citation: 7 CFR 709

Legal Deadline: None

Abstract: This action will implement the Grassroots Source Water Protection provisions of the section 2502, Farm Security and Rural Investment Act of 2002 and section 12400/1230 of the Food Security Act of 1985, amended.

The Appropriation Act of 2006 will provide \$3,750,000 in expenses to carry out the program. The FSA will oversee the program that establishes and operates the grassroots water protection program by each State rural water association. Each State rural water association provides onsite technical assistance capabilities to make the voluntary measurements plans in preventing source water pollution for the producers' and farmers' lands at State and local level and conduct other aspects of the program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH61

191. • 2006 DISASTER ASSISTANCE PROGRAMS

Priority: Economically Significant.

Major status under 5 USC 801 is undetermined.

Legal Authority: PL 109-234

CFR Citation: 7 CFR 1400

Legal Deadline: None

Abstract: This action will implement the provisions of the Emergency Agricultural Disaster Assistance Act of 2006 (2006 Act) related to the Livestock Compensation Program (LCP), Livestock

USDA—FSA

Long-Term Actions

Indemnity Program (LIP), Livestock Indemnity Program for Contract Growers (LIP-CG), the Tree Assistance Program (TAP), and the Crop Disaster Assistance Program for specialty and nursery crops. The programs will provide assistance to eligible producers who suffered losses in counties covered by a natural disaster declaration related to hurricanes Katrina, Ophelia, Rita, and Wilma or a related condition and to producers in contiguous counties. The Act provides that, in general, the programs be implemented under the same terms and conditions as the similar programs already established for the 2005 hurricanes. See the attached 2006 Act for more specific information.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Director, Regulatory Review Group, Department

of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom.witzig@usda.gov
RIN: 0560-AH62

192. • INTEREST RATES ON FARM SERVICE AGENCY FARM LOAN PROGRAMS GUARANTEED LOANS

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

Legal Authority: 7 USC 1989 et seq

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: In 7 CFR 762.124, USDA is considering a modification of the following section on interest rates, terms, charges, and fees: Neither the interest rate on the guaranteed portion nor the unguaranteed portion may exceed the rate the lender charges its average agricultural loan customer. At the request of the Agency, the lender must provide evidence of the rate charged the average agricultural loan

customer. This evidence may consist of average yield data, or documented administrative differential rate schedule formulas used by the lender. Thus, FSA is proposing to amend its guaranteed loan regulations at 7 CFR part 762.124(a)(3) to provide that the interest rates charged on FSA Guaranteed Farm Loans must be based on a published index.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0560-AH66

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

Completed Actions

193. 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

Completed:

Reason	Date	FR Cite
Final Action	07/25/06	71 FR 42017

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-AE50

194. CLARIFICATION OF INFORMAL APPEALS PROCEDURES

Priority: Info./Admin./Other

CFR Citation: 7 CFR 780

Completed:

Reason	Date	FR Cite
Final Action	05/30/06	71 FR 30568

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Phillip Elder
Phone: 202 690-8104
Fax: 202 720-5233
Email: phillip_elder@wdc.usda.gov

RIN: 0560-AG88

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

Priority: Other Significant

CFR Citation: 7 CFR 762

Completed:

Reason	Date	FR Cite
Final Action	08/03/06	71 FR 43955

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-AH07

USDA—FSA

Completed Actions

196. PLANTING REPORTING FOR TROPICAL CROPS—NONINSURED CROP DISASTER ASSISTANCE PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1437**Completed:**

Reason	Date	FR Cite
Final Action	09/07/06	71 FR 52738

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-AH19**197. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION****Priority:** Other Significant**CFR Citation:** 7 CFR 1**Completed:**

Reason	Date	FR Cite
Transferred to NRCS RIN 0578-AA40	05/01/06	

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-AH32**198. GUARANTEED LOANS—UNAUTHORIZED ASSISTANCE****Priority:** Other Significant**CFR Citation:** 7 CFR 762**Completed:**

Reason	Date	FR Cite
Withdrawn	05/23/06	

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

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip_elder@wdc.usda.gov

RIN: 0560-AH34**199. GRAINS AND SIMILARLY HANDLED COMMODITIES—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR THE 2002 THROUGH 2007 CROP YEARS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1421**Completed:**

Reason	Date	FR Cite
Final Action	06/06/06	71 FR 32415
Correction	06/19/06	71 FR 35147

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-AH38**200. COOPERATIVE MARKETING ASSOCIATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1425**Completed:**

Reason	Date	FR Cite
Final Action	07/28/06	71 FR 42749

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Geraldine Broadway

Phone: 202 720-1272

Fax: 202 690-3673

Email: gvb@obpa.usda.gov

RIN: 0560-AH42**201. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1410**Completed:**

Reason	Date	FR Cite
Final Action	06/02/06	71 FR 91912

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-AH44**202. REVISIONS OF DELEGATIONS OF AUTHORITY****Priority:** Info./Admin./Other**CFR Citation:** 7 CFR 2**Completed:**

Reason	Date	FR Cite
Final Action	04/25/06	

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-AH46**203. EXTENSION OF THE MILK INCOME LOSS CONTRACT PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1430**Completed:**

Reason	Date	FR Cite
Final Action	04/17/06	71 FR 19621

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-AH47**204. REGULATIONS FOR THE UNITED STATES WAREHOUSE ACT; COTTON LOANS****Priority:** Other Significant**CFR Citation:** 7 CFR 1425**Completed:**

Reason	Date	FR Cite
ANPRM Comment Period End	04/14/06	

USDA—FSA

Completed Actions

Reason	Date	FR Cite
NPRM	05/26/06	71 FR 30318
Final Action	08/30/06	71 FR 51422

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip Elder

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip_elder@wdc.usda.gov

RIN: 0560-AH48

205. PERCENTAGES FOR DIRECT AND COUNTER-CYCLICAL PROGRAM ADVANCE PAYMENTS**Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1412**Completed:**

Reason	Date	FR Cite
Final Action	04/10/06	71 FR 17982

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

Jacquelyn C. Chandler

Phone: 202 720-1272

Fax: 202 720-8635

Email: jyc@obpa.usda.gov

RIN: 0560-AH49

206. • REVISIONS OF DELEGATIONS OF AUTHORITY**Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1231**CFR Citation:** 7 CFR 2**Legal Deadline:** None

Abstract: USDA amends the delegations of authority from the Secretary of Agriculture to the Under Secretary for Farm and Foreign Agricultural Services and to the Administrator, Farm Service Agency, for technical determinations for the Conservation Reserve Program principally due to enactment of Public Law 108-498.

Timetable:

Action	Date	FR Cite
Final Action	06/21/06	71 FR 35491

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,

1400 Independence Avenue SW,

Washington, DC 20250-0572

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH51

207. • REGULATIONS REGARDING EMPLOYEE CONFLICTS OF INTEREST**Priority:** Info./Admin./Other**Legal Authority:** PL 103-354**CFR Citation:** 7 CFR 1900**Legal Deadline:** None

Abstract: This rule clarifies the regulations governing employee conflicts of interest for the successor agencies of the former Farmers Home Administration, which was reorganized by the Department of Agriculture Reorganization Act of 1994 into the Farm Service Agency (FSA), Rural Business-Cooperative Service, Rural Housing Service, and Rural Utilities Service. Since the reorganization, FSA revised its regulations to streamline them and separate them from the other successor agencies. FSA's regulations regarding employee conflicts of interest are now found in regulations published by the Office of Government Ethics in 5 CFR 2635 and regulations published jointly by OGE and FSA in 5 CFR part 8301. To avoid confusion regarding applicability of the regulations, this rule amends 7 CFR part 1900, subpart D, to provide specifically that they do not apply to FSA.

Timetable:

Action	Date	FR Cite
Final Action	07/11/06	71 FR 38979

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, 1400 Independence Avenue SW, Washington, DC 20250-0572

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH57

208. • DELEGATION OF AUTHORITY; COOPERATIVE AGREEMENTS FOR CONSERVATION PROGRAMS**Priority:** Info./Admin./Other**Legal Authority:** 7 USC 6912(a)(1)**CFR Citation:** 7 CFR 2**Legal Deadline:** None

Abstract: USDA amends the delegations of authority from the Secretary of Agriculture to the Under Secretary for Farm and Foreign Agricultural Services and to the Administrator, Farm Service Agency (FSA), to implement Cooperative Agreements for Conservation Programs implemented by FSA and to implement the Grassroots Source Water Protection Program authorized by the Food Security Act of 1985, section 12400

Timetable:

Action	Date	FR Cite
Final Action	08/30/06	71 FR 51421

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,

1400 Independence Avenue SW,

Washington, DC 20250-0572

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH58

209. • 2005 DAIRY DISASTER ASSISTANCE PAYMENT (DDAP-II) PROGRAM**Priority:** Other Significant**Legal Authority:** PL 109-234**CFR Citation:** 7 CFR 1400**Legal Deadline:** None

Abstract: This action will implement the dairy disaster assistance provisions of the Emergency Agricultural Disaster Assistance Act of 2006.

USDA—FSA

Completed Actions

The legislation provides \$17 million to make payments to dairy producers for dairy production and dairy spoilage losses in counties declared a natural disaster by the Secretary of Agriculture or a major disaster or emergency designated by the President during the 2005 calendar year due to Hurricanes Katrina, Ophelia, Rita, Wilma, or a related condition. Contiguous counties are included.

Timetable:

Action	Date	FR Cite
Final Action	10/31/06	71 FR 63668

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, 1400 Independence Avenue SW, Washington, DC 20250-0572
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom.witzig@usda.gov

RIN: 0560-AH59**210. • 2005 COTTONSEED PAYMENT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 109-234**CFR Citation:** 7 CFR 1427**Legal Deadline:** None

Abstract: This action will implement the cottonseed assistance provisions of the Emergency Agricultural Disaster Assistance Act of 2006. The Act provides \$15 million to make payments to producers and first handlers of the 2005 crop of cottonseed in counties declared a disaster by the President in 2005 due to hurricanes. The FSA shall provide payment under subsection (a) under the same terms and conditions as provided under section 2006 of the Agricultural Assistance Act of 2003.

The Act also states that the assistance to producers and first handlers is to be based on their cotton production during the most recent year for a which disaster payment specifically for cottonseed was not authorized.

Timetable:

Action	Date	FR Cite
Final Action	10/31/06	71 FR 63665

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, 1400 Independence Avenue SW, Washington, DC 20250-0572
Phone: 202 205-5851
Fax: 202 720-5233
Email: tom.witzig@usda.gov

RIN: 0560-AH63**211. • REMOVAL OF OBSOLETE REGULATIONS; HOLDING OF REFERENDA****Priority:** Info./Admin./Other**Legal Authority:** PL 108-357**CFR Citation:** 7 CFR 717**Legal Deadline:** None

Abstract: This action removes the regulations at 7 CFR part 717, Holding Of Referenda, because of the expiration of their statutory authority and the ending of the programs they governed. There are no impacts on past or current program operations.

Timetable:

Action	Date	FR Cite
Final Action	08/24/06	71 FR 49986

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

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

RIN: 0560-AH64**212. • REMOVAL OF OBSOLETE REGULATIONS****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 714b et seq; 7 USC 3801 et seq

CFR Citation: 7 CFR 700; 7 CFR 702; 7 CFR 711; 7 CFR 729; 7 CFR 752; 7 CFR 755; 7 CFR 1413; 7 CFR 1446; 7 CFR 1470; 7 CFR 1479; 7 CFR 1480; 7 CFR 1481; 7 CFR 1382

Legal Deadline: None

Abstract: This action removes regulations rendered obsolete by expiration of their statutory authority and the ending of their respective programs. There are no impacts on past or current program operations.

Timetable:

Action	Date	FR Cite
Final Action	09/15/06	71 FR 54401

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

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

RIN: 0560-AH65**BILLING CODE** 3410-05-S

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

Proposed Rule Stage

213. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

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	03/00/07	
NPRM Comment Period End	05/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234
 Phone: 301 734-8271

RIN: 0579-AB24

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

Priority: Other Significant

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

CFR Citation: 9 CFR 93

Legal Deadline: None

Abstract: This rulemaking would amend the regulations regarding the importation of animals into the United States to establish several levels of risk classifications to be applied to foreign regions with regard to tuberculosis, and to establish requirements governing the importation of cattle based on each risk classification. These changes are necessary to help ensure that cattle infected with tuberculosis are not imported into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

Agency Contact: Dr. Kelly Rhodes, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737-1231
 Phone: 301 734-4356

RIN: 0579-AB44

215. BOLL WEEVIL; QUARANTINE AND REGULATIONS

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

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	10/31/06	71 FR 63707
NPRM Comment Period End	01/02/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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

216. 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

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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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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

217. STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

CFR Citation: 9 CFR 93

Legal Deadline: None

Abstract: This rulemaking would establish standards for the approval of permanent, privately owned quarantine facilities for horses. We are taking this action because demand for quarantine services for horses exceeds the space available at existing facilities. We believe that allowing imported horses to be quarantined in permanent, privately owned quarantine facilities that meet these newly proposed criteria would facilitate the importation of horses while continuing to protect against the introduction of communicable diseases of horses.

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

Agency Contact: Dr. Freeda Isaac, Staff Veterinarian, VS, National Center for Import and Export, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231
Phone: 301 734-8364

RIN: 0579-AC00

218. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS

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

RIN: 0579-AC02

219. IMPORTATION OF PLANTS FOR PLANTING; ESTABLISHING A NEW CATEGORY OF PLANTS FOR PLANTING NOT AUTHORIZED FOR IMPORTATION PENDING RISK ASSESSMENT (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

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

RIN: 0579-AC03

220. NATIONAL VETERINARY ACCREDITATION PROGRAM (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

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

CFR Citation: 9 CFR 160 to 162

Legal Deadline: None

Abstract: This rulemaking would amend the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the current single category, to add requirements for supplemental training and renewal of accreditation, and to offer accreditation specializations. These changes are intended to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to

make the provisions governing our National Veterinary Accreditation Program more uniform and consistent.

Timetable:

Action	Date	FR Cite
NPRM	06/01/06	71 FR 31109
NPRM Comment Period End	07/31/06	
Supplemental NPRM	01/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

Agency Contact: Dr. Lawrence Miller, Program Manager, National Veterinary Accreditation Program, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737
Phone: 301 734-6188

RIN: 0579-AC04

221. • SHARING CONFIDENTIAL BUSINESS INFORMATION REGARDING THE INTRODUCTION OF GENETICALLY ENGINEERED ORGANISMS AND PRODUCTS WITH GOVERNMENT AGENCIES

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 31 USC 9701

CFR Citation: 7 CFR 340

Legal Deadline: None

Abstract: This action would amend our regulations regarding genetically engineered organisms to add provisions concerning the sharing of confidential business information (CBI) with authorized officials of State, tribal, and Federal Government agencies. The proposed provisions would create mechanisms for sharing CBI submitted under the regulations pursuant to a permit application or notification application. This action is necessary to facilitate interagency communication and cooperation, to increase the transparency of regulatory decisionmaking, and to maintain rigorous yet appropriate regulation of genetically engineered organisms.

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

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

Required: No

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** Federal, State, Tribal**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Michael Wach, Biotechnology Regulatory Services, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 147, Riverdale, MD 20737-1236
Phone: 301 734-0485

RIN: 0579-AC08

Department of Agriculture (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

222. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES**Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a**CFR Citation:** 7 CFR 319.56 to 319.56-8**Legal Deadline:** None**Abstract:** Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This rule would amend our regulations to require that a phytosanitary certificate accompany all fruits and vegetables imported into the United States, with certain exceptions.**Timetable:**

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	
NPRM; Availability of Risk Assessment	05/24/06	71 FR 29846
NPRM; Availability of Risk Assessment Comment Period End	07/24/06	
Final Rule	02/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Shirley Wager-Page, Branch Chief, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700

River Road, Unit 133, Riverdale, MD 20737-1231

Phone: 301 734-0627

RIN: 0579-AB18

223. CHRONIC WASTING DISEASE IN ELK AND DEER; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY**Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8316**CFR Citation:** 9 CFR 55; 9 CFR 81**Legal Deadline:** None**Abstract:** This rulemaking would establish requirements for the interstate movement of farmed elk and deer and provide indemnity for the depopulation of farmed elk and deer that have been infected with, or exposed to, chronic wasting disease (CWD).**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/08/02	67 FR 5925
Interim Final Rule Comment Period End	04/09/02	
NPRM	12/24/03	68 FR 74513
NPRM Comment Period End	02/23/04	
Final Rule	07/21/06	71 FR 41682
Delay of Effective Date	09/08/06	71 FR 52983
Final Rule Effective	10/19/06	
Notice of Receipt of Petitions and Request for Comments Comment Period End	11/03/06	71 FR 64650

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**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

224. REVISION OF FRUITS AND VEGETABLES IMPORT REGULATIONS**Regulatory Plan:** This entry is Seq. No. 4 in part II of this issue of the **Federal Register**.

RIN: 0579-AB80

225. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS**Regulatory Plan:** This entry is Seq. No. 5 in part II of this issue of the **Federal Register**.

RIN: 0579-AB82

226. 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

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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 Rule	03/00/07	

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

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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**227. 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	
Final Rule	06/00/07	

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

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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**228. SPECIAL NEED REQUESTS UNDER THE PLANT PROTECTION ACT****Priority:** Other Significant**Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786**CFR Citation:** 7 CFR 301**Legal Deadline:** None

Abstract: This proposed action would amend our domestic quarantine regulations to establish a process by which a State or political subdivision of a State could request approval to impose prohibitions or restrictions on the movement in interstate commerce of specific articles that are in addition to the prohibitions and restrictions imposed by the Animal and Plant Health Inspection Service. The Plant Protection Act provides that States or political subdivisions of States may make such special need requests, but there are currently no procedures in place for their submission or consideration. This action would establish a process by which States may make a special need request.

Timetable:

Action	Date	FR Cite
NPRM	04/04/06	71 FR 16711
NPRM Comment Period End	06/05/06	
Final Rule	02/00/07	

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

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

Agency Contact: Mr. James Writer, Agriculturist, Invasive Species and Pest Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231
Phone: 301 734-7121

RIN: 0579-AB98

Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)
Long-Term Actions
**229. 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
**230. FOOT-AND-MOUTH DISEASE;
 PAYMENT OF INDEMNITY**
Priority: Other Significant**CFR Citation:** 9 CFR 53**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	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Agency Contact:** Mark Teachman
Phone: 301 734-8073**RIN:** 0579-AB34
231. KARNAL BUNT COMPENSATION
Priority: Other Significant**CFR Citation:** 7 CFR 301**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561
Interim Final Rule Comment Period End	07/01/02	
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Vedpal S. Malik
Phone: 301 734-6774**Related RIN:** Related to 0579-AA83**RIN:** 0579-AB45
**232. MOVEMENT OF UNROASTED
 COFFEE INTO HAWAII AND PUERTO
 RICO**
Priority: Other Significant**CFR Citation:** 7 CFR 305; 7 CFR 319**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Shirley Wager-Page
Phone: 301 734-8453**RIN:** 0579-AB96
**233. BOVINE SPONGIFORM
 ENCEPHALOPATHY; MINIMAL-RISK
 REGIONS AND IMPORTATION OF
 COMMODITIES; UNSEALING OF
 MEANS OF CONVEYANCE AND
 TRANSLOADING OF PRODUCTS**
Priority: Other Significant**CFR Citation:** 9 CFR 93 to 95**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/28/05	70 FR 71213
Interim Final Rule Comment Period End	01/27/06	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State**Agency Contact:** Karen A. James-Preston
Phone: 301 734-4356**Related RIN:** Related to 0579-AB73**RIN:** 0579-AB97
**234. LOW PATHOGENIC AVIAN
 INFLUENZA; VOLUNTARY CONTROL
 PROGRAM AND PAYMENT OF
 INDEMNITY**
Priority: Other Significant**CFR Citation:** 9 CFR 53; 9 CFR 56; 9 CFR 145 to 147**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/06	71 FR 56302
Interim Final Rule Effective	09/26/06	
Interim Final Rule Comment Period End	11/27/06	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Agency Contact:** Andrew R. Rhorer
Phone: 770 922-3496**RIN:** 0579-AB99
**235. BOVINE SPONGIFORM
 ENCEPHALOPATHY; MINIMAL-RISK
 REGIONS AND IMPORTATION OF
 COMMODITIES**
Priority: Other Significant**CFR Citation:** 9 CFR 93 to 96**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Lisa Ferguson
Phone: 301 734-6954**RIN:** 0579-AC01
**236. CITRUS CANKER;
 COMPENSATION FOR CERTIFIED
 CITRUS NURSERY STOCK**
Priority: Other Significant**CFR Citation:** 7 CFR 301**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/06	71 FR 33168
Interim Final Rule Effective	06/08/06	

USDA—APHIS

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/07/06	
Next Action Undetermined		
Regulatory Flexibility Analysis Required: Undetermined		
Government Levels Affected: Federal, State		
Agency Contact: Stephen R. Poe Phone: 301 734-4387		
RIN: 0579-AC05		

237. • 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 7781 to 7786; 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 grown in 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 in part because we are not recovering the costs of our current inspection activities at the U.S./Canada border. In addition, our data show 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. In order to do this and to recover the costs of our existing inspection activity, we need to collect user fees from commercial conveyances and international air passengers entering the United States from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/25/06	71 FR 50320
Interim Final Rule Comment Period End	11/24/06	
Interim Final Rule Effective	11/24/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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-AC06

238. • CITRUS CANCKER; QUARANTINE OF THE STATE OF FLORIDA

Priority: Other Significant

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: This action will amend the citrus canker regulations to list the entire State of Florida as a quarantined area for citrus canker and to amend the requirements for the movement of regulated articles from Florida now that the eradication of citrus canker in Florida is no longer being carried out as an objective. It will also amend the regulations to allow regulated articles that would not otherwise be eligible for interstate movement to be moved to a port for immediate export. These changes are necessary in light of the Department's determination that the established eradication program was no longer a scientifically feasible option to address citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/06	71 FR 43345
Interim Final Rule Effective	08/01/06	
Interim Final Rule Comment Period End	10/02/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

Agency Contact: Stephen R. Poe, Senior Operations Officer, EDP, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231
Phone: 301 734-4387

RIN: 0579-AC07

Department of Agriculture (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

239. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (COMPLETION OF A SECTION 610 REVIEW)**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 450; 7 USC 77701 to 7772; 7 USC 7781 to 7786; 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	07/19/06	71 FR 40875
Final Action Effective	08/18/06	

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

Additional Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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

240. PINE SHOOT BEETLE HOST MATERIAL FROM CANADA**Priority:** Other Significant**CFR Citation:** 7 CFR 319**Completed:**

Reason	Date	FR Cite
Final Rule	09/29/06	71 FR 57383
Final Rule Effective	09/29/06	

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

Agency Contact: Frederick A. Thomas
Phone: 301 734-8367

RIN: 0579-AB76

241. IMPORTATION OF SMALL LOTS OF SEED WITHOUT PHYTOSANITARY CERTIFICATES**Priority:** Other Significant**CFR Citation:** 7 CFR 319**Completed:**

Reason	Date	FR Cite
Final Action	04/13/06	71 FR 19097
Final Action Effective	05/15/06	

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

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

RIN: 0579-AB78

242. IMPORTATION OF SWINE AND SWINE PRODUCTS FROM THE EUROPEAN UNION**Priority:** Other Significant**CFR Citation:** 9 CFR 93 to 94; 9 CFR 98**Completed:**

Reason	Date	FR Cite
Final Action	05/19/06	71 FR 29061
Correction	06/01/06	71 FR 31069
Final Action Effective	06/19/06	

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

Agency Contact: Chip Wells
Phone: 301 734-4356

RIN: 0579-AB79

243. REQUIREMENTS FOR REQUESTS TO AMEND IMPORT REGULATIONS**Priority:** Other Significant**CFR Citation:** 7 CFR 319**Completed:**

Reason	Date	FR Cite
Final Action	05/30/06	71 FR 30563
Final Action Effective	06/29/06	

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

Agency Contact: Ronald Sequeira
Phone: 919 513-2663

RIN: 0579-AB83

244. USER FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES**Priority:** Other Significant**CFR Citation:** 7 CFR 354**Completed:**

Reason	Date	FR Cite
Affirmation of Interim Final Rule	08/24/06	71 FR 49984

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

Agency Contact: William E. Thomas
Phone: 301 734-8295

Donna Ford
Phone: 301 734-5901

RIN: 0579-AB88

BILLING CODE 3410-34-S

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

Proposed Rule Stage

245. CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Info./Admin./Other

Legal Authority: 7 USC 341 et seq; 7 USC 1444

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Passage of the Farm Security and Rural Investment Act of 2002, sections 7212 and 7213, has resulted in the need for CSREES to clarify its distribution of funding, matching requirements, carryover provisions, and reporting requirements for extension programs at 1862 Land-Grant Institutions and 1890 Land-Grant Institutions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellen Danus, Chief, Policy, Oversight, and Funds Management Branch, 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@csrees.usda.gov

RIN: 0524-AA26

246. CSREES NON-FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: CSREES plans to propose one administrative provision that contains the elements common to all of the

competitive and noncompetitive grant programs it administers. In a relatively short period of time, this will allow the Agency to apply basic rules to grant programs that are currently operating without them, including new non-formula grant programs created by the passage of the Farm Security and Rural Investment Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0524-AA28

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

Final Rule Stage

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

Action	Date	FR Cite
NPRM Comment Period End	06/30/03	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellen Danus, Chief, Policy, Oversight, and Funds Management Branch, 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@csrees.usda.gov

RIN: 0524-AA25

248. REVISED ADMINISTRATIVE PROVISIONS—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM

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

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

CFR Citation: 7 CFR 3403

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/18/06	71 FR 28780
NPRM Comment Period End	06/19/06	
Final Action	12/00/06	

USDA—CSREES

Final Rule Stage

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
Email: wsherman@csrees.usda.gov

RIN: 0524-AA31**249. REVISED ADMINISTRATIVE PROVISIONS—NATIONAL RESEARCH INITIATIVE COMPETITIVE GRANTS PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 450i(b)**CFR Citation:** 7 CFR 3411**Legal Deadline:** None

Abstract: The Cooperative State Research, Education, and Extension Service proposes to make three revisions to the “Eligibility

requirements” subsection of the administrative provisions for the National Research Initiative Competitive Grants Program (NRICGP). All three of the proposed changes would impact the eligibility requirements for NRICGP’s Agricultural Research Enhancement Awards, which are intended to help institutions develop competitive research programs and to attract scientists to conduct research in the agriculture, food, and environmental sciences. CSREES proposes to change the eligibility requirements for Postdoctoral Fellowships, New Investigator Awards, and Strengthening Awards. The proposed changes will increase the impact of the Agricultural Research Enhancement Awards. The expected results are (1) for Postdoctoral Fellowships, improved funding continuity and potentially more postdoctoral scientists entering into an agricultural research career; (2) for New Investigator Awards, improved project design and increased probability of a successful agricultural research program; and (3) for Strengthening

Awards, improved research project continuity and more incentive for researchers to stay at USDA-Experimental Program for Stimulating Competitive Research or small/mid-sized institutions.

Timetable:

Action	Date	FR Cite
NPRM	06/06/06	71 FR 32479
NPRM Comment Period End	08/07/06	
Final Action	12/00/06	

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

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

RIN: 0524-AA32**Department of Agriculture (USDA)****Completed Actions****Cooperative State Research, Education, and Extension Service (CSREES)****250. CSREES AGRICULTURAL RESEARCH FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Info./Admin./Other**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn	08/07/06	

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

Phone: 202 401-4325
Fax: 202 401-7752
Email: edanus@csrees.usda.gov
RIN: 0524-AA27

251. GUIDELINES FOR HATCH MULTISTATE RESEARCH FUNDS**Priority:** Other Significant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn	08/07/06	

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

Agency Contact: Janet Downey
Phone: 202 205-0453
Fax: 202 401-3481
Email: jdowney@csrees.usda.gov

RIN: 0524-AA29

BILLING CODE 3410-09-S

Department of Agriculture (USDA)**Proposed Rule Stage****Rural Housing Service (RHS)****252. CIVIL RIGHTS COMPLIANCE REQUIREMENTS—1901-E TO 1940-D****Priority:** Other Significant

Legal Authority: PL 100-259; 29 USC 794; PL 94-135; 42 USC 6101 et seq; PL 94-239; 15 USC 1601 et seq; EO 11246; PL 88-352; 42 USC 2000d et seq; PL 90-284; 42 USC 3601 to 3619;

PL 100-430; PL 92-318; 20 USC 1681 et seq; PL 93-112; EO 12898

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

Legal Deadline: None

Abstract: The Agency intends to publish a proposed rule to effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); title VI of the Civil Rights Act of 1964; title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair

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Proposed Rule Stage

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	12/00/06	
NPRM Comment Period End	02/00/07	

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**253. 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	01/00/07	
NPRM Comment Period End	03/00/07	

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, 1400 Independence Avenue SW, Washington, DC 20250-0761

Phone: 202 720-9647

Email: linda.rodgers@wdc.usda.gov

RIN: 0575-AC07**254. 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	03/00/07	
NPRM Comment Period End	05/00/07	

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

Agency Contact: Beth Jones, Loan Specialist, Community Programs Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0787, Washington, DC 20250-0787
Phone: 202 720-1498
Fax: 202-690-0471
Email: beth.jones@wdc.usda.gov

RIN: 0575-AC12**255. 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	12/00/06	
NPRM Comment Period End	02/00/07	

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

USDA—RHS

Proposed Rule Stage

256. 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	03/00/07	
NPRM Comment Period End	05/00/07	

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

Agency Contact: Anita Outen, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue, SW, STOP 0787, Washington, DC 20250-0787
Phone: 202 720-1497
Fax: 202-690-0471
Email: anita.ouden@wdc.usda.gov

RIN: 0575-AC27**257. 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	03/00/07	
NPRM Comment Period End	05/00/07	

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, 1400 Independence Avenue SW, Washington, DC 20250-0761
Phone: 202 720-9647
Email: linda.rodgers@wdc.usda.gov

RIN: 0575-AC55**258. 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	01/00/07	
NPRM Comment Period End	03/00/07	

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, 1400 Independence Avenue SW, Washington, DC 20250-0761
Phone: 202 720-9647
Email: linda.rodgers@wdc.usda.gov

RIN: 0575-AC56**259. 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

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implementation and maintenance, and to establish accountability for adequate servicing on guaranteed loans.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
NPRM Comment Period End	04/00/07	

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

260. SECTION 538 GUARANTEED RURAL RENTAL HOUSING PROGRAM CHANGE ANNUAL GUARANTEE FEE DUE DATE

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

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

CFR Citation: 7 CFR 3565, subpart B

Legal Deadline: None

Abstract: Rural Housing Service (RHS) administers the section 538 Guaranteed Rural Rental Housing Program (GRRHP) under the authority of the Housing Act of 1949. Under the GRRHP, RHS guarantees loans for the development of housing and related facilities for low- or moderate-income families in rural areas.

RHS is proposing to amend 7 CFR part 3565, subpart B, to change the language in 3565.53 (b) to change the due date of the annual guarantee fee.

The annual guarantee fee is a non-refundable amount that the lender must pay each year that the loan guarantee remains in effect. Currently the Finance Office in St. Louis calculates annual guarantee fees manually since the borrower submissions of December 31 year-end financial information are not loaded into their automated systems by January 1, when annual guarantee fees

are due. The Finance Office has requested that the annual guarantee fee due date is changed from January 1 to February 1 to allow their automated systems to be uploaded with December 31 year-end information thus enabling them to automate the annual guarantee fee calculation process. RHS expects this revision will have no economic impact on the lender, the developer and the project.

Timetable:

Action	Date	FR Cite
NPRM	10/04/06	71 FR 58545
NPRM Comment Period End	12/04/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: C.B. Alonso, Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0781, Washington, DC 20250-0781
Phone: 202 720-1624
Email: cb.alonso@wdc.usda.gov

RIN: 0575-AC62

261. • GUARANTEED RURAL RENTAL HOUSING—ELIMINATION OF CONSTRUCTION GUARANTEE

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 3565, sec 538

Legal Deadline: None

Abstract: Rural Development is amending the Guaranteed Rural Rental Housing Program (GRRHP) regulation 7 CFR part 3565 to make a construction loan ineligible for a GRRHP guarantee and eliminate the 2 percent conversion reserve in lieu of the occupancy requirement. Rural Development wishes to eliminate the guarantee on the construction loan as construction guarantees represent less than 20 percent of closed loans in the GRRHP portfolio. Similarly, construction loan guarantees in processing are less than 23 percent.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Arlene Nunes, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0781, Washington, DC 20250-0781
Phone: 202 401-2307

Email: arlene.nunes@wdc.usda.gov

RIN: 0575-AC64

262. • THERMAL REQUIREMENTS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

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

CFR Citation: 7CFR 1924, subpart A

Legal Deadline: None

Abstract: The current Agency Procedure, section 1924.6 (a)(3)(i)(A), requires that surety be provided when the construction contract exceeds \$100,000. This Procedure Notice changes the surety requirements in 1924-A [section 1924.6 (a)(3)(i)(A)] from a \$100,000 contract amount to the Rural Development Single-Family Housing area lending limits, which will vary with the locality. This will liberalize the requirement for surety and take into account the increase in construction cost of single-family homes in the Rural Development's Single-Family Housing Program since the last revision (1980) to this section of the regulation. This should ease the burden on small contractors for whom obtaining surety is difficult and expensive, additionally reducing costs to our single-family housing borrowers.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michel Mitias, Architect-Program Support Staff, Department of Agriculture, Rural Housing Service, 1400 Independence

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Avenue SW, STOP 0761, Washington,
DC 20250

Phone: 202 720-9653
Fax: 202 690-4335

Email: michel.mitias@wdc.usda.gov
RIN: 0575-AC65

**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	09/00/07	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Michael Steininger, Multi-Family Housing Direct Loans, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Stop 0782, Washington, DC 20250

Phone: 202 720-1610

Fax: 202 690-3444

Email:

michael.steininger@wdc.usda.gov

Stephanie White, Multi-Family Housing Direct Loans, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0782, Washington, DC 20250

Phone: 202 720-1615

Fax: 202 690-3444

Email: stephanie.white@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	09/00/07	

**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, 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

**265. 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 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 requirements were published as a direct final rule on February 8, 2005 [70 FR 6551]. The Agency developed a proposed rule to implement the homeowner education requirement.

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/08/05	70 FR 6551
NPRM	03/06/06	71 FR 11167
NPRM Comment Period End	05/05/06	
Final Action	12/00/06	
Final Action Effective	01/00/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

USDA—RHS

Final Rule Stage

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

266. AMEND 3550—DIRECT SINGLE-FAMILY HOUSING LOANS AND GRANTS

Priority: Other Significant
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.

Timetable:

Action	Date	FR Cite
NPRM	02/17/06	71 FR 8523
NPRM Comment Period End	04/18/06	
Final Action	06/00/07	
Final Action Effective	07/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Michael S. Feinberg, Acting Director, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, 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)

Completed Actions

267. SURETY REQUIREMENTS

Priority: Substantive, Nonsignificant
CFR Citation: 7 CFR 1924, subpart A
Completed:

Reason	Date	FR Cite
Final Action	05/02/06	71 FR 25739

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michel Mitias
 Phone: 202 720-9653

Fax: 202 690-4335
 Email: michel.mitias@wdc.usda.gov

Related RIN: Previously reported as 0575-AC60

RIN: 0575-AC63

BILLING CODE 3410—XV—S

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

Proposed Rule Stage

268. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS—ADMINISTRATIVE REMEDIES FOR NON-COMPLIANCE

Priority: Substantive, Nonsignificant
Legal Authority: 7 USC 1506(l); PL 106-224
CFR Citation: 7 CFR 400

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Nancy Kreitzer, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue, Washington, DC 20250-0807
 Phone: 202 690-1683

RIN: 0563-AB73

269. 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

USDA—FCIC

Proposed Rule Stage

changes and clarifications to better meet the needs of insureds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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-AB83

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	12/00/06	

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-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 Directors approved conversion of the pilot program to a permanent program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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-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	12/00/06	

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, 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 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	12/00/06	

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

USDA—FCIC

Proposed Rule Stage

Phone: 816 926-7743

RIN: 0563-AC04

274. 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	12/00/06	

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

275. COMMON CROP INSURANCE REGULATIONS, GRAPE AND TABLE GRAPE 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 to revise the Grape crop provisions and Table Grape crop provisions by: 1) Expanding basic units by variety, 2) clarifying quality adjustment for Grape crop insurance provisions, 3) clarifying reduced tonnage contracts for the Grape crop insurance provisions, and 4) clarifying that cause of loss on Grape crop insurance provisions and Table Grape crop insurance provisions be the same.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

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-AC09

276. COMMON CROP INSURANCE REGULATIONS, APPLE CROP INSURANCE PROVISIONS**Priority:** Routine and Frequent. 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 purpose of this rule is to solicit public comments on FCIC's proposed action to revise the Apple Crop Provisions. The revision clarifies how production to count for appraised and harvested production on acreage designated as fresh apple acreage is determined under section 14 (Optional Coverage for Fresh Fruit Quality Adjustment). The current language is unclear and if misinterpreted may cause inequities in calculating crop insurance indemnities.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

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-AC10

277. EMERGENCY AND DISASTER PROCEDURES FOR CROP INSURANCE PURPOSES**Priority:** Other Significant**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None**Abstract:** The Risk Management Agency is proposing to revise the Common Crop Insurance Policy Basic Provisions to specify that, in the event of a natural disaster that impact crops and programs of the Federal Crop Insurance Corporation and where there has been a Presidential Disaster Declaration, the Secretary of Agriculture may determine that certain variances or waivers in policy and procedure requirements are necessary to protect the interests of policyholders. This would allow the Risk Management Agency to provide relief in the underwriting of crop protection and the adjudication of claims or when the impacts of natural disasters cause unnecessary delays in providing crop insurance protection or processing claims. It is not intended to provide insurance coverage where it would not be otherwise authorized or provide indemnity payments greater than what is authorized under the policy. The purpose would be to expedite the process of policyholders receiving their indemnities at a time when they are most at need.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

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

RIN: 0563-AC11

278. • COMMON CROP INSURANCE REGULATIONS; MILLET CROP INSURANCE PROVISIONS**Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506 (p)

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Proposed Rule Stage

CFR Citation: 7 CFR 457**Legal Deadline:** None

Abstract: The purpose of the proposed rule is to solicit public comments on FCIC's proposed action to amend the Millet Crop Insurance Provisions to remove the reduction in indemnity for any unharvested millet acreage and revise the end of the insurance period

dates to use only one date rather than dual dates.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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-AC12

Department of Agriculture (USDA)

Final Rule Stage

Federal Crop Insurance Corporation (FCIC)

279. 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	10/13/06	71 FR 60439
NPRM Comment Period End	11/27/06	
Final Action	05/00/07	

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

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	07/28/06	71 FR 42770
NPRM Comment Period End	09/26/06	
Final Action	02/00/07	

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

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 Directors approved conversion of the pilot program to a permanent program.

Timetable:

Action	Date	FR Cite
NPRM	02/06/06	71 FR 6016
NPRM Comment Period End	04/24/06	71 FR 14828
Final Action	12/00/06	

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

282. 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 the loss adjustment procedure; 2) enhancing the

280. 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

281. 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

USDA—FCIC

Final Rule Stage

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	07/28/06	71 FR 42761
NPRM Comment Period End	09/26/06	
Final Action	02/00/07	

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

283. COMMON CROP INSURANCE REGULATIONS, WALNUT CROP INSURANCE PROVISIONS; ALMOND CROP INSURANCE PROVISIONS

Priority: Routine and Frequent**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

Abstract: The purpose of this rule is to amend the Common Crop Insurance, Regulations Almond and Walnut Crop

Insurance Provisions. This rule will reduce the growing season requirement for almond and walnut trees.

This change will allow insurance to attach to such trees because newer varieties of almond and walnut trees are more vigorous and produce at an earlier age. The newer varieties are planted more densely, achieve full canopy sooner, and come into full production earlier.

Timetable:

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14119
NPRM Comment Period End	05/22/06	
Final Action	01/00/07	

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-AC08

284. • COMMON CROP INSURANCE REGULATIONS, NURSERY CROP PROVISIONS, NURSERY PEAK INVENTORY ENDORSEMENT AND NURSERY REHABILITATION ENDORSEMENT

Priority: Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

Abstract: To solicit public comments on FCIC's proposal to revise the Nursery Crop Provisions amending the definition of "liners" to clarify liner insurability requirements. FCIC also proposes to amend the Nursery Peak Inventory Endorsement to add a new definition of peak basic unit value and to clarify the peak basic unit value is limited to 200 percent of the basic unit value declared under the Nursery Crop Insurance Provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/01/06	71 FR 52013
NPRM Comment Period End	10/31/06	
Final Action	04/00/07	

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-AC13

Department of Agriculture (USDA)

Long-Term Actions

Federal Crop Insurance Corporation (FCIC)

285. COMMON CROP INSURANCE REGULATIONS AND VARIOUS CROP INSURANCE PROVISIONS

Priority: Other Significant**CFR Citation:** 7 CFR 457**Timetable:**

Action	Date	FR Cite
NPRM	07/14/06	
NPRM Comment Period End	09/12/06	71 FR 40194
Final Action	To Be Determined	

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

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB96

Department of Agriculture (USDA)
Federal Crop Insurance Corporation (FCIC)
Completed Actions
286. GENERAL ADMINISTRATIVE REGULATIONS; NONSTANDARD UNDERWRITING CLASSIFICATION SYSTEM

Priority: Other Significant

CFR Citation: 7 CFR 400

Completed:

Reason	Date	FR Cite
Withdrawn	08/01/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB66

287. COMMON CROP INSURANCE REGULATIONS, PEANUT CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Final Action	09/26/06	71 FR 55995
Final Action Effective	10/26/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AB97

288. COMMON CROP INSURANCE REGULATIONS, BASIC PROVISIONS; WRITTEN AGREEMENTS

Priority: Routine and Frequent

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Final Action	06/29/06	71 FR 36979
Final Action Effective	06/29/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Hoffmann
Phone: 816 926-7743

RIN: 0563-AC07

BILLING CODE 3410-08-S

Department of Agriculture (USDA)
Grain Inspection, Packers and Stockyards Administration (GIPSA)
Proposed Rule Stage
289. UNITED STATES STANDARDS FOR ROUGH RICE; UNITED STATES STANDARDS FOR BROWN RICE FOR PROCESSING; AND UNITED STATES STANDARDS FOR MILLED RICE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1627

CFR Citation: 7 CFR 868

Legal Deadline: None

Abstract: GIPSA is proposing to revise the U.S. Standards for Rough Rice,

Brown Rice for Processing, and Milled Rice, under the AMA, to eliminate the requirement for certain grade related information to be shown on the grade-line of certificate for classes of Mixed Rice.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Tess Butler,
Regulatory Liaison, Department of
Agriculture, Grain Inspection, Packers
and Stockyards Administration, 1400
Independence Avenue SW,
Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov

RIN: 0580-AA94

Department of Agriculture (USDA)
Grain Inspection, Packers and Stockyards Administration (GIPSA)
Final Rule Stage
290. UNITED STATES STANDARDS FOR SORGHUM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 71 87k

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: GIPSA is revising the United States Standards for Sorghum. GIPSA is amending the grain standards to change the definitions of sorghum classes by deleting references to tannin and adding language referencing the presence or absence of a pigmented test. GIPSA is amending the grain standards to change the definition of nongrain sorghum by removing sorghum-sudangrass hybrids, sorgrass,

and sweet sorghum (sorgo), and adding language referencing seeds of Sorghum bicolor (L.) Moench that appear atypical of grain sorghum. GIPSA is amending the grade and grade requirements for sorghum by reducing the grading limits for broken kernels and foreign material and the subfactor foreign material and inserting a total count limit of 10 for other material used to determine sample grade factors.

Timetable:

Action	Date	FR Cite
NPRM	03/29/06	71 FR 15633
NPRM Comment Period End	05/30/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Tess Butler,
Regulatory Liaison, Department of
Agriculture, Grain Inspection, Packers
and Stockyards Administration, 1400
Independence Avenue SW,
Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov

RIN: 0580-AA91

USDA—GIPSA

Final Rule Stage

291. FEES FOR RICE INSPECTION SERVICE**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1627**CFR Citation:** 7 CFR 868**Legal Deadline:** None

Abstract: This final rule revises the regulations governing the sampling, inspection, weighing, and certification for rice by increasing certain fees charged for the services by approximately 18 percent. Further, the rice fees increased an additional 3 percent each year through fiscal year 2010 and establish a stowage examination fee.

Timetable:

Action	Date	FR Cite
NPRM	04/11/06	71 FR 18231
NPRM Comment Period End	06/12/06	
Final Action	12/00/06	

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

Agency Contact: H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov

RIN: 0580-AA92**292. CLEAR TITLE PROGRAM; TECHNICAL CHANGES****Priority:** Info./Admin./Other**Legal Authority:** 7 USC 1631; 7 CFR 2.22 and 2.81**CFR Citation:** 9 CFR 205**Legal Deadline:** None

Abstract: This rule is being issued to make changes to the clear title regulations as required by amendments made by the 2002 Farm Bill, which bring the clear title requirements more into conformity with the Uniform Commercial Code. GIPSA is making additional changes to allow the use of an approved unique identifier in place of the former mandate for States to display a social security number through their systems providing clear title information. The rule will adopt these changes in the regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/27/06	71 FR 56338
Interim Final Rule Comment Period End	11/27/06	
Final Action	02/00/07	

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

Agency Contact: H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov

RIN: 0580-AA93**293. • OFFICIAL FEES AND TOLERANCES FOR BARLEY PROTEIN TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 7187k**CFR Citation:** 7 CFR 800, 801**Legal Deadline:** None

Abstract: GIPSA extended its official inspection program to include testing of barley protein effective July 1, 2005. Testing is provided using near-infrared spectroscopy analyzers that were previously approved for different grains. To recover the cost of providing this service, GIPSA is establishing a fee identical to the fees already established for other near-infrared spectroscopy measurements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/06	71 FR 65371
Interim Final Rule Effective	11/09/06	
Interim Final Rule Comment Period End	01/08/07	

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

Agency Contact: H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov

RIN: 0580-AA95

Department of Agriculture (USDA)

Long-Term Actions

Grain Inspection, Packers and Stockyards Administration (GIPSA)

294. 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

Department of Agriculture (USDA)

Completed Actions

Grain Inspection, Packers and Stockyards Administration (GIPSA)

295. UNITED STATES STANDARDS FOR SOYBEANS**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 800; 7 CFR 810**Completed:**

Reason	Date	FR Cite
Final Action	09/06/06	71 FR 52403

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-AA90

BILLING CODE 3410-EN-S

Department of Agriculture (USDA)

Proposed Rule Stage

Food and Nutrition Service (FNS)

296. DISQUALIFIED RECIPIENT REPORTING AND COMPUTER MATCHING REQUIREMENTS THAT AFFECT THE FOOD STAMP PROGRAM**Priority:** Other Significant**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	12/00/06	
NPRM Comment Period End	02/00/07	
Final Action	06/00/07	
Final Action Effective	09/00/07	

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**297. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS: RESOURCE LIMITS AND EXCLUSIONS, EXTENDED CERTIFICATION PERIODS, AND TRANSITIONAL BENEFITS****Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2032**CFR Citation:** 7 CFR 253; 7 CFR 254**Legal Deadline:** None**Abstract:** This proposed rule would amend FDPIR regulations by: 1) Bringing the maximum level of allowable resources in line with the Food Stamp Program by: a) Establishing a new resource limit of \$3,000 for households with a disabled member and b) increasing the resource limit from \$1,750 to \$2,000 for households without elderly or disabled members; 2) allowing a resource exclusion for the first \$1,500 of the value of one prepaid funeral arrangement per household member; 3) allowing households in which all members are elderly or disabled to be certified for up to 24 months; and 4) allowing State agencies the option to provide transitional benefits to households that leave the Temporary Assistance Program for Needy Families. The above provisions are modeled after Food Stamp Program provisions. (01-005)**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period Ends	11/00/07	

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**298. 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	04/00/07	
NPRM Comment Period End	06/00/07	
Final Action	02/00/08	

Regulatory Flexibility Analysis Required: No

USDA—FNS

Proposed Rule Stage

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

299. 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	12/00/06	
NPRM Comment Period End	02/00/07	
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

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

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 2021

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

Legal Deadline: None

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

benefits in payment for eligible food on credit. (04-002)

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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

RIN: 0584-AD44

301. SPECIAL NUTRITION PROGRAMS: FLUID MILK SUBSTITUTIONS

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

RIN: 0584-AD58

302. 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 proposed 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 and other dietary recommendations. (04-017)

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

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Action	Date	FR Cite
NPRM Comment Period End	06/00/07	
Final Action	10/00/08	

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-AD59

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	06/00/07	
NPRM Comment Period End	08/00/07	
Final Action	08/00/08	
Final Action Effective	09/00/08	

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 0584-AD41 (withdrawn in the spring 2005 agenda), and the Implementation of the FMNP Provisions Included in the Child Nutrition and WIC Reauthorization Act of 2004, RIN 0584-AD46 (withdrawn from the fall 2004 agenda).

URL For More Information:

www.fns.usda.gov/wic

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

Related RIN: Merged with 0584-AD41**RIN:** 0584-AD74

304. FSP: ADMINISTRATIVE SANCTIONS IMPOSED AGAINST VIOLATING ELECTRONIC BENEFITS TRANSFER (EBT) STORES

Priority: Other Significant**Legal Authority:** Sec 12 of the Food Stamp Act**CFR Citation:** 7 CFR 278.6(e)**Legal Deadline:** None

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

Background

EBT is an electronic system that allows a food stamp recipient to authorize transfer of their Government benefits from a Federal account to a retailer account to pay for eligible food items. All States, the District of Columbia, Virgin Islands, Guam, and Puerto Rico have operational food stamp EBT systems. All food stamp benefits are being issued by EBT. Approximately, 153,000 retail food stores are authorized to accept food stamp benefits.

One of the benefits of EBT is that it helps curb food stamp fraud committed by retail food stores. EBT creates an electronic record of each food stamp transaction, making it easier to identify and document instances where food stamp benefits are being illegally obtained (i.e., food stamp benefits being exchanged for cash or non-food items) by retail food stores.

Proposed Regulation

FNS is continuing to improve using EBT data efficiently to detect and pursue abuse. Section 278.6 of the Food Stamp regulations, however, does not thoroughly address the actions/sanctions that FNS may impose against retail food stores that are found

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violating the program via the EBT system. Since the inception of EBT, FNS has discovered that food stores have departed from some of the conventional methods of committing food stamp fraud and have devised new and innovative ways to commit fraud using the EBT system. Hence, Section 278.6 of the Food Stamp Program regulations must be revised in order to address the administrative sanctions that may be imposed by FNS against EBT stores found violating the program.

In addition to providing for EBT specific sanctions, FNS will conduct a comprehensive review of existing regulatory sanctions for conventional fraud and will make regulatory changes that are warranted and appropriate. (05-007)

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 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-AD78

305. • REVISIONS AND CLARIFICATIONS IN REQUIREMENTS FOR THE DISTRIBUTION AND CONTROL OF DONATED FOODS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 612(c), 612c note, 1431, 1431b, 1431e,

1431 note, 1446a-1, 1859, 2014, 2025; 15 USC 713c; 22 USC 1922; 41 USC 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180

CFR Citation: 7 CFR 250; 7 CFR 251.4

Legal Deadline: None

Abstract: The rule would amend current regulations in 7 CFR part 250 to ensure the safe storage and management of donated foods and their efficient and cost-effective distribution, while reducing reporting and administrative requirements currently imposed on distributing agencies. Specifically, the rule would propose to:

- Require the distributing agency, and distributing agency agreements with recipient agencies, to ensure that the storage, management, distribution, and use of donated foods will be conducted in accordance with Federal food safety requirements.

- Require that inventory management systems assure that donated foods can be tracked in the event of a food recall.

- Retain FNS' authority to require the distributing agency to reevaluate its storage and distribution system and justify its efficiency and cost-effectiveness, but remove the requirement that the distributing agency reevaluate its storage and distribution system on a periodic basis.

- Require the distributing agency to permit direct deliveries of donated foods to recipient agencies, or to commercial storage facilities, processors, or other contractors, to the extent that such deliveries may be made cost-effectively.

- Remove the requirement that the distributing agency maintain a separate salvage account for funds obtained from salvage of donated foods, claim recoveries, etc., and the requirement that FNS approve certain expenditures from such accounts.

- Remove the exemption from claims recovery of donated food inventory losses in amounts less than 1 percent of total inventory of such food.

- Remove the requirement that the distributing agency submit commodity acceptability reports to FNS and conduct surveys of recipient agencies to collect information for such purpose.

- Retain the prohibition against maintenance of excessive donated food inventories (i.e., more than a 6-month supply) but remove the requirement that the distributing agency submit a report of excessive donated food inventories for donated foods received in child nutrition programs and TEFAP.

Lastly, the rule would rewrite 7 CFR part 250 in a "plain language" format to make it easier to read and understand for the general public.

We do not anticipate any additional costs imposed on distributing or recipient agencies or other entities as a result of the changes proposed in this rule. (06-002)

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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

RIN: 0584-AD81

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

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

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

RIN: 0584-AC24

307. 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

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systems must meet in order to be approved for operation. This rule revises those regulations to provide the State agency more flexibility in implementing and operating those systems. Clarifications and FNS settlement improvements are also incorporated into the rule. The rule contains a provision to provide State agencies with a new option to allow retailers with commercial equipment to use a Store and Forward process instead of the manual voucher process when the system is down. This provision went forward as an interim provision so that the Department can solicit additional comments. All the other provisions went 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	06/00/08	

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

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-AC37

308. 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	10/00/07	
Final Action Effective	11/00/07	

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-AC72**309. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY****Priority:** Other Significant**Legal Authority:** PL 106-224, sec 243**CFR Citation:** 7 CFR 226**Legal Deadline:** Final, Statutory, October 20, 2000.

Abstract: This final rule incorporates changes to the Child and Adult Care Food Program as required by the Agricultural Risk Protection Act (Pub. L. 106-224) to strengthen the management and integrity of the program. Provisions include: 1) Changes to eligibility requirements for participating institutions; 2) conditions for approval, such as ensuring financial viability, stipulating that new sponsoring organizations are allowed to participate only where there is need for the program, and the elimination of "moving toward tax exempt status" of institutions; 3) new program monitoring requirements; 4) new parental

notification requirements by CACFP centers or homes that describe the program and benefits and provide parents with access to the sponsoring organization and State agency; 5) rules on allowing corrective action and appeals in situations involving the termination or suspension of participating institutions, facilities, and individuals; 6) funds recovery in situations involving fraud, abuse, or improper submissions for reimbursement; and 7) limitation on the percentage of funds that sponsoring organizations of centers can retain from day care meal reimbursements for their administrative expenses. These changes support the Department's ongoing efforts in management and integrity improvement. (00-005)

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	09/00/07	

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, 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-AC94**310. DISCLOSURE OF CHILDREN'S FREE, AND REDUCED PRICE MEALS, AND FREE MILK ELIGIBILITY INFORMATION IN THE CHILD NUTRITION PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 106-224, sec 242; PL 103-448, sec 108; PL 108-265, sec 104**CFR Citation:** 7 CFR 215; 7 CFR 225; 7 CFR 226; 7 CFR 245**Legal Deadline:** Final, Statutory, October 20, 2000.

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Abstract: This rule establishes requirements for the disclosure of children's free and reduced price meal and free milk eligibility information by agencies that make the free and reduced price meal or free milk determination under the National School Lunch Program, the School Breakfast Program, the Special Milk Program, the Child and Adult Care Food Program, and the Summer Food Service Program. The rule responds to amendments to the Richard B. Russell National School Lunch Act, which allow limited disclosure of children's free and reduced-price meal or free milk eligibility information, comments received on the July 25, 2000, proposed rule on "Disclosure of Children's Eligibility Information" (65 FR 45725 issued under RIN 0584-AC21), and comments received on the January 11, 2001, interim rule on "Disclosure of Children's Eligibility Information to State Medicaid and the State Children's Health Insurance Program" (66 FR 2195 issued under RIN 0584-AC95). This rule incorporates the proposed rule and interim rule into one final rule. Therefore, RIN 0584-AC21 was withdrawn, and the final provisions are issued under RIN 0584-AC95. The final rule adopts or modifies as necessary many of the provisions mandated by the statute and required by the interim rule. The objective is to provide consistency in procedures when determining agencies' option to disclose children's eligibility information and to provide some protection against unauthorized disclosures and misuse of personal information, regardless of whether the disclosure is to Medicaid or SCHIP or to an education or other program. (00-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	
Interim Final Rule	01/11/01	66 FR 2195
Interim Final Rule Comment Period End	04/11/01	
Final Action	12/00/06	
Final Action Effective	01/00/07	

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-AC95**311. 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	02/00/07	
Final Action Effective	03/00/07	

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

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

RIN: 0584-AD27**312. FSP: ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002**

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

RIN: 0584-AD30**313. QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171**

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

RIN: 0584-AD31**314. 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 final 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	
Final Action	12/00/06	
Final Action Effective	01/00/07	

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

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URL For Public Comments:

www.fns.usda.gov/wic

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

RIN: 0584-AD35

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

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

Abstract: This final rule amends the WIC regulations to clarify issues that have arisen subsequent to the publication of the WIC Food Delivery Systems final rule. It includes the following provisions: Allows the release of vendor information such as telephone numbers, e-mail/website addresses, store type, and whether the vendor has been disqualified; 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	09/00/07	

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
Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD36

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

Priority: Other Significant**Legal Authority:** 42 USC 1752**CFR Citation:** 7 CFR 210, 215, 220**Legal Deadline:** None

Abstract: This rule makes changes in three areas: the school food authority's responsibility for proper procurement procedures and contracts; prohibitions on the school food authority's use of nonprofit school food service account funds for costs resulting from improper procurements and contracts; and the State agency's review and approval of school food authority procurement procedures and contracts. (03-001)

Timetable:

Action	Date	FR Cite
NPRM	12/30/04	69 FR 78340
NPRM Comment Period End	02/28/05	
Final Action	12/00/06	
Final Action Effective	01/00/07	

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-AD38

317. DATA COLLECTION RELATED TO INSTITUTIONS AND ORGANIZATIONS

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 authorizes the Secretary of Agriculture to require State agencies to collect and submit data to the Food and Nutrition Service that identifies the faith-based and community organizations that participate in the Federal nutrition assistance programs. This rulemaking adds 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 ends 5 years after the effective date of the final rule. (04-001)

Timetable:

Action	Date	FR Cite
NPRM	03/03/06	71 FR 10914
NPRM Comment Period End	06/01/06	
Interim Final Rule	12/00/06	
Interim Final Rule Effective	01/00/07	

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

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

RIN: 0584-AD43

318. MANAGEMENT OF DONATED FOODS IN CHILD NUTRITION PROGRAMS, THE NUTRITION SERVICES INCENTIVE PROGRAM, AND CHARITABLE INSTITUTIONS

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

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Abstract: This final rule revises or clarifies 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 establishes specific requirements to ensure that school food authorities and other recipient agencies in child nutrition programs receive the value of all donated foods provided under contract with food service management companies to conduct the food service. It requires 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 provides 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	06/08/06	71 FR 33344
NPRM Comment Period Extended	08/03/06	71 FR 43992
NPRM Comment Period End	09/07/06	
Final Action	03/00/07	

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

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

RIN: 0584-AD45

319. 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**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 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	08/01/06	71 FR 43371
NPRM Comment Period End	10/02/06	
Final Action	10/00/07	
Final Action Effective	11/00/07	

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

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

RIN: 0584-AD47

320. 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

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“Provision 3” on a district-wide basis as well as on a school basis. (04-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/07	
Interim Final Rule Effective	09/00/07	
Interim Final Rule Comment Period End	10/00/07	
Final Action	06/00/08	

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-AD51

321. ADMINISTRATIVE ERROR REDUCTION IN THE SCHOOL MEALS PROGRAMS

Priority: Other Significant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

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

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

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

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

Timetable:

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

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/00/07	
Final Action	03/00/08	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions

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-AD52

322. APPLYING FOR FREE AND REDUCED PRICE MEALS IN THE NATIONAL SCHOOL LUNCH PROGRAM, AND SCHOOL BREAKFAST PROGRAM, AND FOR BENEFITS IN THE SPECIAL MILK PROGRAM

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	02/00/07	
Interim Final Rule Effective	03/00/07	
Interim Final Rule Comment Period End	07/00/07	
Final Action	07/00/08	

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-AD54

323. DIRECT CERTIFICATION OF CHILDREN IN FOOD STAMP HOUSEHOLDS AND CERTIFICATION OF HOMELESS, MIGRANT AND RUNAWAY CHILDREN FOR FREE MEALS IN THE NSLP, SBP, AND SMP

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

RIN: 0584-AD60

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324. VERIFICATION OF ELIGIBILITY FOR FREE, AND REDUCED PRICED MEALS IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS**Priority:** Other Significant**Legal Authority:** PL 108–265**CFR Citation:** 7 CFR 210; 7 CFR 245**Legal Deadline:** None

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

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

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

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

A nonresponse rate is the percentage of approved household applications for which verification information has not been obtained by a LEA. However, second-preceding-school-year nonresponse rates may not be available for all schools for the 2005-2006 school year. As a result, this rule would also provide that, for the 2005-2006 school year, large local educational agencies (20,000+ approved students) also could qualify to use 1 of the 2 alternate sample sizes (the options in current

regulations) if they attempt to verify all approved household applications through the use of direct verification. When verifying eligibility for free or reduced-price school meals, local educational agencies can first use direct verification and obtain and use income and program participation information from public agencies administering certain programs. The programs are: The Food Stamp Program, the Food Distribution Program on Indian Reservations, State TANF programs, State Medicaid programs, or similar income-tested programs (or other sources of information). In cases in which there are not enough error-prone applications to comply with the options, local educational agencies would be required to randomly select additional applications to fulfill the percentage or number requirement.

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

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/07	
Interim Final Rule Effective	03/00/07	
Interim Final Rule Comment Period End	02/00/08	
Final Action	02/00/09	

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–AD61**325. 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	12/00/06	
Interim Final Rule Effective	01/00/07	
Interim Final Rule Comment Period End	12/00/07	
Final Action	08/00/08	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Governmental Jurisdictions, Organizations**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–AD65

USDA—FNS

Final Rule Stage

326. 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 Seamless Summer Feeding Waiver, which was available to school sponsors nationwide from fiscal years 2002 through 2004. 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	03/00/07	
Interim Final Rule Effective	04/00/07	
Interim Final Rule Comment Period End	09/00/07	
Final Action	03/00/08	

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–AD70

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

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

RIN: 0584–AD71

328. WIC: IMPLEMENTATION OF THE NONDISCRETIONARY WIC CERTIFICATION AND GENERAL ADMINISTRATION PROVISIONS

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

— Excludes from consideration as income certain payments (Federal Supplemental Subsistence Allowance (FSSA) and National Flood Insurance)

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	12/00/06	
Final Action Effective	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: This rule was initially assigned RIN 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

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

USDA—FNS

Final Rule Stage

Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
 RIN: 0584-AD73

329. REVISIONS AND CLARIFICATIONS IN REQUIREMENTS FOR THE PROCESSING OF DONATED FOODS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 612d, 612c note; 7 USC 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 250.3, 250.13, 250.16, 250.17, 250.18; 7 CFR 250.19, 250.24, 250.30

Legal Deadline: None

Abstract: This proposed rule would amend current regulations to require multi-State processors to sign National Processing Agreements (NPA) with the Department to process donated foods into end products, as under a current demonstration project. Under NPA, 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 requirements. 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) remove the verification of end product sales

through commercial distributors; (4) 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 (5) 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	08/24/06	71 FR 50250
NPRM Comment Period End	11/22/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

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

RIN: 0584-AD76

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

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

RIN: 0584-AD77

331. FSP: UNAUTHORIZED REDEMPTION AND TRAFFICKING IN PROGRAM BENEFITS

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

Legal Authority: 7 USC 2011 to 2036

CFR Citation: 7 CFR 278

Legal Deadline: None

Abstract: This interim final rulemaking is being developed in response to reports of incidents in which an authorized retailer has redeemed a Food Stamp Program participant's program benefits without the knowledge of the participant. In addition, this rule serves to modify actions that may be taken against some retailers found to be trafficking in program benefits.

The Food Stamp Act, as amended, provides for the prosecution of any unauthorized issuance, redemption, use, transfer, acquisition, alteration or possession of coupons, ATP cards, or other program access device by an individual, partnership, corporation, or other legal entity to prosecution under sections 15(b) and (c) of the Food Stamp Act or under any other applicable Federal, State, or local law, regulation, or ordinance. Stealing benefits from a recipient by redeeming program benefits without their knowledge would be an offense that could be prosecuted under the current statute. However, program regulations do not provide clear administrative penalties for such thefts of Food Stamp Program benefits. In the absence of prosecution, there are currently no administrative actions that may be taken against such entities for stealing the program benefits of recipients. In addition, it has been determined that this activity does not meet the definition of trafficking as reflected in current Food Stamp Program regulations.

This interim final rulemaking will add a simple amendment to current regulations to provide for the establishment of an administrative penalty for such violations of the Food Stamp Program equivalent to the penalty for trafficking in program benefits. Authorized individuals, partnerships, corporations, or other legal entities found to have stolen benefits from program recipients without their knowledge or complicity shall be disqualified from program participation permanently. Any firm charged with such a violation would be provided with the opportunity for administrative and judicial review of the disqualification action as provided for in current program regulations.

In addition, in response to ongoing investigations by the Office of Inspector General of the USDA and the recommendations of the Department of

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Justice, this interim final rulemaking puts in place a variation on current trafficking sanctions. Current legislation and regulations require immediate permanent disqualification for trafficking, subject to appeal. However, regulations provide a 10-day waiting period during which a firm may reply to the charges of trafficking as well as request and provide justification for a trafficking civil money penalty in lieu of permanent disqualification.

There have been documented cases in which a preponderance of evidence indicates that there is a likelihood of continuous and flagrant trafficking activity that would take place if certain firms were permitted to continue in operational status during that 10-day period. In response, this interim rule provides for immediate termination of POS device operations for Food Stamp Program transactions in certain cases. This immediate termination would take place at the direction of the Office of Inspector General of the USDA and/or the Assistant United States Attorney's Office serving the appropriate geographic locale. At the direction of either or both of the aforementioned parties, the Agency would take immediate action to terminate the redemption of Food Stamp Program benefits by that firm if there is a finding of egregious trafficking activity. The firm will receive all other due

process considerations currently provided in the program regulations; however, its ability to conduct Food Stamp Program business will be immediately suspended. (06-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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-AD79

332. • MARKETING AND SALE OF FLUID MILK IN SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 210

Legal Deadline: None

Abstract: Public Law 108-265 amended the Richard B. Russell National School Lunch Act to prohibit schools from directly or indirectly restricting the sale or marketing of fluid milk products on

school premises or at school sponsored events at any time or any place. This amendment was in response to procurement contracts that limited the types of products that schools could sell outside of the reimbursable meal programs. This rule finalizes the incorporation of that requirement into the regulations governing the National School Lunch Program. (04-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/05	70 FR 70031
Interim Final Rule Effective	12/21/05	
Interim Final Rule Comment Period End	05/22/06	
Final Action	02/00/07	

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

Related RIN: Duplicate of 0584-AD57

RIN: 0584-AD83

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

Long-Term Actions

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	
NPRM Comment Period End	06/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD48

334. • SCHOOL BREAKFAST PROGRAM: SEVERE NEED ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 220

Legal Deadline: None

Abstract: Prior to the interim rule, in order to receive the higher severe need School Breakfast Program reimbursements, schools must have served 40 percent plus of their lunches free or at a reduced price in the second

preceding year and must document their costs. They received 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, is revised to remove the requirement to document costs. This rule also revises the regulations to require that the Secretary determine how schools without a second preceding year history may qualify for severe need reimbursements. (04-008)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/05	70 FR 66247
Interim Final Rule Effective	12/02/05	

USDA—FNS

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/01/06	
Final Action	12/00/07	

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

Related RIN: Duplicate of 0584-AD50**RIN:** 0584-AD82**Department of Agriculture (USDA)
Food and Nutrition Service (FNS)**

Completed Actions

335. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): MISCELLANEOUS PROVISIONS**Priority:** Other Significant**CFR Citation:** 7 CFR 246**Completed:**

Reason	Date	FR Cite
Final Action	09/27/06	71 FR 56708

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

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AB10**336. FSP: CIVIL RIGHTS DATA COLLECTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 272**Completed:**

Reason	Date	FR Cite
Final Action	05/18/06	71 FR 28759
Final Action Effective	06/19/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local, State**Agency Contact:** Sharon Ackerman

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AC75**337. SPECIAL NUTRITION PROGRAMS: UNIFORM FEDERAL ASSISTANCE REGULATIONS; NONDISCRETIONARY TECHNICAL AMENDMENTS****Priority:** Info./Admin./Other**CFR Citation:** 7 CFR 210, 215, 220, 225, 226, and 235**Completed:**

Reason	Date	FR Cite
Final Action	07/13/06	71 FR 39513
Final Action Effective	09/11/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local, State**Agency Contact:** Sharon Ackerman

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD16**338. FSP: EMPLOYMENT AND TRAINING PROGRAM PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002****Priority:** Other Significant**CFR Citation:** 7 CFR 273.7**Completed:**

Reason	Date	FR Cite
Final Action	06/09/06	71 FR 33376
Final Action Effective	08/06/06	

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

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD32**339. FSP: DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171****Priority:** Other Significant**CFR Citation:** 7 CFR 271; 7 CFR 273; 7 CFR 275; 7 CFR 277**Completed:**

Reason	Date	FR Cite
Merged With 0584-AD31	03/01/06	

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

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

Related RIN: Merged with 0584-AD31**RIN:** 0584-AD37**340. 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.**CFR Citation:** 7 CFR 210.10**Completed:**

Reason	Date	FR Cite
Withdrawn	10/18/06	

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

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

Sharon Ackerman

USDA—FNS

Completed Actions

Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
 RIN: 0584-AD40

341. STATE ADMINISTRATIVE EXPENSES

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 235

Completed:

Reason	Date	FR Cite
Final Action	08/11/06	71 FR 46074
Final Action Effective	09/11/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Sharon Ackerman
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
 RIN: 0584-AD53

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

Priority: Other Significant

CFR Citation: 7 CFR 226

Completed:

Reason	Date	FR Cite
Final Action	05/30/06	71 FR 30561
Final Action Effective	06/29/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Sharon Ackerman
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
 RIN: 0584-AD68

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 250

Completed:

Reason	Date	FR Cite
Withdrawn— Provisions will be incorporated into another rule	05/22/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Sharon Ackerman
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
 RIN: 0584-AD72

344. FOOD STAMP PROGRAM: EXPIRATION OF RESIDUAL PAPER COUPONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 274.12(a)

Completed:

Reason	Date	FR Cite
Withdrawn	10/25/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Sharon Ackerman
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
 RIN: 0584-AD75

345. 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
Final Action	10/23/06	71 FR 62057
Final Action Effective	11/22/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Sharon Ackerman
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov

Related RIN: Duplicate of 0584-AD66

RIN: 0584-AD80

BILLING CODE 3410-30-S

Department of Agriculture (USDA)

Proposed Rule Stage

Food Safety and Inspection Service (FSIS)

346. PERFORMANCE STANDARDS FOR PUMPED OR MASSAGED BACON

Priority: Other Significant

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 424.22(b)

Legal Deadline: None

Abstract: FSIS is proposing to revise the regulatory provisions concerning the production and testing of pumped or massaged bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that prescribe the substances and

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety

USDA—FSIS

Proposed Rule Stage

and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-0495
 Fax: 202 401-1760
 Email: daniel.engeljohn@fsis.usda.gov
RIN: 0583-AC49

347. EGG PRODUCTS INSPECTION REGULATIONS

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

RIN: 0583-AC58

348. 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	03/00/07	

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

349. 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	09/00/07	

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
 Fax: 202 720-7990
 Email: sally.white@fsis.usda.gov

Related RIN: Duplicate of 0583-AC92

RIN: 0583-AD01

350. 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	09/00/07	

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
 Phone: 202 720-2490
 Fax: 202 205-0080
 Email: bobby.palesano@fsis.usda.gov

RIN: 0583-AD06

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	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

USDA—FSIS

Proposed 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
Phone: 202 205-0299
Fax: (202)6900486
Email: wanda.haxton@fsis.usda.gov
RIN: 0583-AD14

352. ● FOOD ALLERGEN LABELING FOR MEAT, POULTRY, AND EGG PRODUCTS

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq

CFR Citation: 9 CFR 317.2(f); 9 CFR 381.118; 9 CFR 590.411(c)

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) has jurisdiction over meat, poultry, and egg products while FDA has jurisdiction over all other food and ingredients, including their labeling. On August 2, 2004, the President signed the Food Allergen Labeling and Consumer Protection Act (FALCPA)(S. 741) into law which, in part, requires that labels for food products under the jurisdiction of the Food and Drug Administration (FDA) clearly state the presence of any of eight major foods or food groups (i.e., milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat, and soy beans) because these foods account for 90 percent of all food allergies.

The Agency recognizes that, in addition to the requirements FSIS has for ensuring that all ingredients of health concern are controlled in processing and declared on labeling, there is a need for clear and understandable, consumer-friendly terms that would be helpful for allergen-sensitive individuals to make informed food choices for all foods including meat, poultry, and egg products. Therefore, FSIS is developing a proposed rule to adopt the same naming conventions for the labeling of any of the eight major foods or food groups that is required

by FALCPA when they are used to formulate a meat, poultry, or egg product.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

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-AD22

353. ● DEFINITION OF VEAL

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to establish a definition for “veal.” FSIS sees a clear need to define this term to distinguish this type of meat from other products of young cattle to ensure that the term “veal” is fairly and accurately used in commerce.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeffrey L. Brown, Program Analyst, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-2096
Fax: 202 690-0486

Email: jeffrey.brown@fsis.usda.gov

RIN: 0583-AD23

354. ● EXPORT PRODUCT DEVIATIONS FROM LABELING REQUIREMENTS AND INGREDIENT RESTRICTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601(m) and 606(d); 21 USC 453(g)

CFR Citation: 9 CFR 318.8

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to amend its meat and poultry products inspection regulations by removing the regulatory requirements that permit the use of certain ingredients in meat and poultry products that are intended for export only. After reviewing provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act, FSIS has concluded that meat and poultry products that are in conflict with domestic compositional standards and regulations may not be exported, even if they comply with the laws of the foreign countries to which they are destined. This conclusion represents a change in the Agency’s implementation of the Acts; however, FSIS finds that this change is compelled by terms of the Acts themselves.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ms. Daphne Brown, Regulations and Petitions Policy Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-5627
Fax: 202 690-0486
Email: daphen.brown@fsis.usda.gov

RIN: 0583-AD24

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

Final Rule Stage

355. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS; CONTROL OF LISTERIA MONOCYTOGENES IN READY-TO-EAT MEAT AND POULTRY PRODUCTS

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

RIN: 0583-AC46

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

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

RIN: 0583-AC60

357. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION

Priority: Other Significant

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

CFR Citation: 9 CFR 410; 21 CFR 130

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) have proposed to establish a set of general principles for food standards. The adherence to these principles will result in standards that will better promote honesty and fair dealing in the interest of consumers, protect the public, allow for technological advances in food production, be consistent with international food standards, and be clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards. The proposed general principles will establish the criteria that the agencies will use in considering whether a petition to establish, revise, or eliminate a food standard will be the basis for a proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/20/05	70 FR 29214
NPRM Comment Period End	08/18/05	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

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-AC72

358. PETITIONS FOR RULEMAKING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553

CFR Citation: 9 CFR 392

Legal Deadline: None

Abstract: FSIS is proposing to amend its regulations to add a new part that prescribes procedures for the submission, consideration, and disposition of petitions for rulemaking. The proposal also describes the Agency's expectations for the type of documentation that should be submitted in support of a petition and that will facilitate regulatory development. FSIS is proposing this action to provide clear guidance to those who would like to participate in the rulemaking process by petitioning FSIS to issue, amend, or repeal a rule administered by the Agency.

Timetable:

Action	Date	FR Cite
NPRM	01/12/06	71 FR 1988
NPRM Comment Period End	03/13/06	
Final Action	03/00/07	

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, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AC81

359. 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 will 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	09/00/07	

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

360. 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. 16 in part II of this issue of the **Federal Register**.

RIN: 0583-AC88

USDA—FSIS

Final Rule Stage

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

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

RIN: 0583–AD00

362. PROHIBITION ON THE USE OF AIR-INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE

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

RIN: 0583–AD03

363. 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 rule revises, edits, and consolidates provisions to establish standards and procedures for the accreditation of non-Federal analytical chemistry laboratories. FSIS is amending 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 making other editorial changes to reflect Agency reorganizations and program changes since a rule was published in 1993. This rule also consolidates the regulations, now in two parts, into a single part, 9 CFR part 439.

Timetable:

Action	Date	FR Cite
NPRM	01/17/06	71 FR 2483
NPRM Comment Period End	03/20/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

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

Phone: 202 720–5627
Fax: 202 690–0486
Email: lynn.dickey@fsis.usda.gov

RIN: 0583–AD09

364. AVAILABILITY OF LISTS OF RETAIL CONSIGNEES DURING MEAT OR POULTRY PRODUCT RECALLS

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

RIN: 0583–AD10

365. DEFINITIONS AND PROCEDURES FOR DETERMINING THE NET WEIGHT COMPLIANCE OF MEAT AND POULTRY PRODUCTS

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) has proposed to amend the Federal meat and poultry products inspection regulations in order that they reference the revised version of the National Institute of Standards and Technology (NIST) Handbook 133 that contains standards for determining the reasonable variations allowed for the declared net weight on labels of immediate containers of meat and poultry products; the procedures to be used to determine the net weight and net weight compliance of meat and poultry products; and related definitions. The Agency also is proposing to consolidate the separate net weight regulations for meat and poultry products in a new CFR part, applicable to both meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	03/28/06	71 FR 15340
NPRM Comment Period End	05/30/06	
Final Action	09/00/07	

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

366. 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 has proposed 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	03/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Shaukat Syed, Director, New Technology Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205–0675
Email: shaukat.syed@fsis.usda.gov

RIN: 0583–AD18

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)
Completed Actions
367. PERFORMANCE CRITERIA FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES
Priority: Other Significant**CFR Citation:** 9 CFR 381; 9 CFR 424**Completed:**

Reason	Date	FR Cite
Withdrawn—Issues will be addressed in future rulemakings	08/07/06	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No**Government Levels Affected:** None
Agency Contact: Daniel L. Engeljohn
 Phone: 202 205-0495
 Fax: 202 401-1760
 Email: daniel.engeljohn@fsis.usda.gov
RIN: 0583-AC73
368. PERFORMANCE STANDARD FOR CHILLING OF READY-TO-COOK POULTRY
Priority: Other Significant**CFR Citation:** 9 CFR 381.66**Completed:**

Reason	Date	FR Cite
Withdrawn—Issues will be addressed in future rulemakings	08/07/06	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Businesses**Government Levels Affected:** None
Agency Contact: Daniel L. Engeljohn
 Phone: 202 205-0495
 Fax: 202 401-1760
 Email: daniel.engeljohn@fsis.usda.gov
RIN: 0583-AC87
369. FREQUENCY OF FOREIGN INSPECTION SYSTEM SUPERVISORY VISITS TO CERTIFIED FOREIGN ESTABLISHMENTS
Priority: Substantive, Nonsignificant**CFR Citation:** 9 CFR 327.2; 9 CFR 381.96**Completed:**

Reason	Date	FR Cite
Final Action	08/03/06	71 FR 43958

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No**Government Levels Affected:** None
Agency Contact: Sally White
 Phone: 202 720-6400
 Fax: 202 720-7990
 Email: sally.white@fsis.usda.gov
RIN: 0583-AD08

370. ADDITION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT PROCESSED POULTRY AND POULTRY PRODUCTS TO THE UNITED STATES
Priority: Other Significant**CFR Citation:** 7 CFR 2.18, 2.53; 9 CFR 381**Completed:**

Reason	Date	FR Cite
Final Action	04/24/06	71 FR 20867

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No**Government Levels Affected:** Federal
Agency Contact: Sally White
 Phone: 202 720-6400
 Fax: 202 720-7990
 Email: sally.white@fsis.usda.gov
RIN: 0583-AD20**BILLING CODE** 3140-DM-S
Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Final Rule Stage
371. NEW PROVISIONS AND REVISIONS TO SUGAR RE-EXPORT PROGRAMS
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 re export, 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	06/00/07	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No**Government Levels Affected:** None
Agency Contact: Tamoria S. Thompson-Hall, Budget Analyst,

 Department of Agriculture, Foreign Agricultural Service, 1400 Independence Ave., SW, Room 6083-S, MS 1028, Washington, DC 20250-1028
 Phone: 202 690-1690
 Email: tammy.thompson@usda.gov

 Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-2568
 Fax: 202 720-3814
 Email: chisleyk@fas.usda.gov
RIN: 0551-AA65

372. QUALITY SAMPLES PROGRAM
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 44 USC 3501; 15 USC 714

USDA—FAS

Final Rule Stage

CFR Citation: 7 CFR 1483**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	08/03/06	71 FR 43992
NPRM Comment Period End	10/02/06	
Interim Final Rule	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Agency Contact: Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-2568
Fax: 202 720-3814
Email: chisleyk@fas.usda.gov

RIN: 0551-AA68

BILLING CODE 3410-10-S

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

Proposed Rule Stage

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

Priority: Other Significant

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

CFR Citation: 36 CFR 254

Legal Deadline: None

Abstract: This proposed rule sets forth the Forest Service role and procedures in the conveyance of Indian allotments on National Forest System (NFS) lands. The Indian Allotment Act of 1910, as amended, authorizes the Secretary of the Interior to make allotments of NFS lands to American Indians for homesteading and agricultural and grazing purposes, but only after a determination by the Secretary of Agriculture that the lands are more valuable for agriculture or grazing than for timber. The Forest Service has relied upon U.S. Department of the Interior rules and procedures at 43 CFR part 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations. This proposed rule clarifies the role of the Forest Service in the allotment process. It preserves the rights of affected individual American Indians who wish to apply for allotments on NFS lands. An earlier version of this proposed rule was published in the Federal Register on June 22, 1987 (52 FR 23473). Very few comments were received on the 1987 proposed rule, and this revision of the proposed rule makes only limited changes needed to update the rule due to the passage of 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AA52

**374. 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 USC 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AB27

USDA—FS

Proposed Rule Stage

375. 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 time frames 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	12/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400Independence Avenue SW,
Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us**RIN:** 0596-AB45**376. LAW ENFORCEMENT SUPPORT ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1011(f); 16 USC 472; 16 USC 551; 16 USC 559(a) to 559(g); 40 USC 484(m)**CFR Citation:** 36 CFR 262**Legal Deadline:** None

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

The Forest Service is proceeding with publication of a second proposed rule for part 262, Law Enforcement Support Activities. The proposed revisions to part 262 are narrow in scope and are meant to clarify specific administrative provisions. In particular, they address the limitations and conditions for paying rewards in connection to fire or property prosecution; clarify the rules regarding the purchase of information or evidence in furtherance of investigations; and clarify certain actions and regulations regarding the impoundment, removal, and disposition of animals and personal property from National Forest System lands. The proposed rule also responds to comments concerning part 262 that were received in response to the proposed rule published in 1994. The majority of those comments referred to how the rule defines certain terms. To address those comments in this second proposed rule, the agency proposes to add a new section for definitions.

Timetable:

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

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us**RIN:** 0596-AB61**377. 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 USC 472(d) to 16 USC 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 forest, and meet agency requirements for compliance with the National Environmental Protection Act, 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.

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us
RIN: 0596-AB70

378. 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	12/00/06	

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

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us
RIN: 0596-AB75

379. LOCATABLE MINERALS**Priority:** Other Significant**Legal Authority:** 30 USC 21 to 54; 30 USC 612**CFR Citation:** 36 CFR 228, subpart A**Legal Deadline:** None

Abstract: This revision follows recommended changes developed by the Government Accountability Office and Office of Inspector General audits and recommendations in the National Research Council's 1999 report titled "Hard rock 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	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us
RIN: 0596-AB98

380. RECREATION EVENT FEES (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2720)**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497, 551**CFR Citation:** None**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Proposed Directive	02/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us
RIN: 0596-AC24

381. OUTFITTER AND GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVES, FOREST SERVICE HANDBOOK 2709.11, CHAPTER 30)**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service is publishing a proposed agency directive to amend Forest Service Handbook 2709.11, section 37, regarding fees for outfitting and guiding special use

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authorizations. This action is being taken to improve administrative efficiency for the agency and reduce administrative burden to small business. For example: for minor concession uses, the proposed directive would revise the current fee system from one based on a percentage of gross revenue to a flat rate, thus reducing record keeping and audit requirements. Public comment is invited and will be considered in development of a final directive.

Timetable:

Action	Date	FR Cite
Proposed Directives	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC50

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 USC 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	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC27

383. 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	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC30

384. 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 222; 36 CFR 261.7; 36 CFR 261.21

Legal Deadline: None

Abstract: The Forest Service is proposing to revise the regulation governing the management of wild free-roaming horses and burros. This

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proposed action will incorporate into regulation new provisions for management of wild horses and burros enacted by the Fiscal Year 2005 Omnibus Appropriations Act (Pub. L. 108-447, Division E, title 1, section 142). This proposed action would also eliminate concerns raised by employees and others about inconsistencies in Forest Service and Bureau of Land Management regulations on the management of wild horses and burros.

The Fiscal Year 2005 Omnibus Appropriations Act amended the Wild Free-Roaming Horses and Burros Act (Pub. L. 92-195) and mandated the sale of wild horses and burros that meet specific criteria. In general, the law mandates the sale of excess wild horses and burros that are more than 10 years of age or that have been offered unsuccessfully for adoption at least 3 times. These animals are to be made available for sale without limitation, including through auction to the highest bidder, at local sale yards, or other convenient livestock selling facilities, until all excess animals offered for sale are sold or until appropriate management levels are attained across all areas occupied by wild horses and burros. Funds generated from the sale of these animals are to be credited to the Bureau of Land Management and used to help alleviate costs generated from the adoption of wild horses and burros.

Additionally, the Forest Service wishes to merge this revision of 36 CFR part 222 with an existing proposed action to revise 36 CFR part 261, subpart A—General Prohibitions; section 261.7, Livestock; and section 261.21, Wild Free-Roaming Horses and Burros (RIN 0596-AC31). That proposed rule would clarify ambiguity regarding whether strict liability must be proven for violations of the prohibitions set out in those sections related to livestock and wild free-roaming horses and burros.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

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, ATTN: ORMS, D&R Branch, 1400

Independence Avenue SW,
Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC31

385. 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 sporex or borax fungicide to maintain stand health. Such fungicides, although commonly used in forestry and elsewhere, are technically classified as a pesticide and as such are not allowed under 31.2(10). This incongruity has had the following effect: (a) Some units 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	04/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC32

386. 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

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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	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC33

387. 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	04/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC38

388. TRAVEL MANAGEMENT (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL 2300 AND 7700)

Priority: Substantive, Nonsignificant

Legal Authority: EO 11644; 36 CFR 212

CFR Citation: None

Legal Deadline: None

Abstract: The final regulation entitled "Travel Management; Designated Routes and Areas for Motor Vehicle Use (36 CFR part 212)" was published on November 9, 2005 (70 FR 68264). The Forest Service plans to publish proposed directives to implement the regulation. The proposed directive changes are needed to provide guidance on implementation of the Travel Management regulation, conform terminology to the rule, and provide consistent direction on the process of designating roads, trails, and areas for motor vehicle use.

The proposed changes consolidate policy for travel planning for roads and trails in FSM 7710, while retaining separate chapters related to operations and maintenance for roads (FSM 7730) and trails (FSM 2350). The changes would expand the scope of the current roads analysis process to encompass motorized trails and areas, while streamlining travel analysis to ensure that it is completed in a timely manner.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC39

389. SMALL BUSINESS ADMINISTRATION TIMBER SALE SET-ASIDE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 36 CFR 223.118

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is proposing a revision of its policy procedures in Forest Service Handbook 2409.18, Timber Sale Preparation Handbook, chapter 90, Programs With Small Business Administration, to drop structural changes in the Forest Service Directives. This proposed revision would better reflect the current timber sale program, make the recomputation process as fair as possible, and simplify the process by which market share is determined. This proposed policy change would not affect scheduled recomputations and special recomputations.

Timetable:

Action	Date	FR Cite
Proposed Directive	08/01/06	71 FR 43435
Comment Period End	10/02/06	
Comment Period Extended	09/29/06	71 FR 57462

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Action	Date	FR Cite
Comment Period End	12/11/06	
Final Action	01/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC46**390. • LINEAR RIGHT-OF-WAY RENTAL PAYMENT SCHEDULE****Priority:** Other Significant**Legal Authority:** 42 USC 15801**CFR Citation:** 36 CFR 251.57**Legal Deadline:** NPRM, Statutory, August 8, 2006.

Abstract: The Forest Service (FS) is seeking public participation in the formulation of a proposed rule to update the linear right-of-way rental fee schedule authorized by 36 CFR 251.57 and set out in Forest Service Handbook 2709.12, chapter 30. Section 367 of the Energy Policy Act of 2005 (the Act) directs the Secretary of Agriculture to, not later than 1 year after the date of enactment of the Act on August 8, 2005, update the per-acre rental fee schedule. The rental fee schedule covers most linear rights-of-way granted under section 28 of the Mineral Leasing Act of 1920, as amended, and title V of the Federal Land Policy and Management Act of 1976, as amended. Both laws require the holder of a right-of-way to pay annually, in advance, the fair market value to occupy, use, or traverse public lands, for facilities such as power lines, fiber optic lines, pipelines, roads, and ditches. The Act also requires the FS to revise the per-acre rental fee zone values by State, county, and type of linear right-of-way use to reflect current land values in each zone.

The Secretary of the Interior is also required by the Act to make these same revisions for rights-of-way on public lands administered by the Bureau of Land Management (BLM). The BLM

published an advance notice of proposed rulemaking on April 27, 2006 (71 FR 24836).

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC48**391. • FOREST SERVICE NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES**

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

RIN: 0596-AC49**392. • OUTFITTER AND GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVES, FOREST SERVICE HANDBOOK 2709.11, CHAPTER 40)****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1761 to 1771**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service is publishing a proposed agency directive to amend Forest Service Handbook 2709.11, section 41.53, regarding the administration of outfitting and guiding special use authorizations. This action is being taken to simplify the application and administration process for temporary use permits; offer the same terms and conditions to educational and institutional permit holders as to other types of permit holders; clarify policy for priority use permits governing performance, inspections, and allocation of use; and develop a process for allocation of use on a first-come, first-served basis for temporary use permits to facilitate greater participation in outfitting and

guiding by youth, educational, and religious groups.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Related RIN: Split from 0596-AC25**RIN:** 0596-AC50**393. • GROUND WATER RESOURCE MANAGEMENT POLICY DIRECTION (PROPOSED NEW DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2540)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 475; 16 USC 526**CFR Citation:** None**Legal Deadline:** None

Abstract: In recent years, the USDA Forest Service has been receiving an increasing number of inquiries and applications to access ground water resources on National Forest System lands nationwide. With the need for water expected to continue increasing in most areas of the country, it is likely this trend will persist. As a consequence, a need for national direction to ensure consistent and informed responses nationwide to ground water-related projects and proposals has been identified. This direction would amend the Forest Service Manual by adding section 2543 to chapter 2540. The new manual section: Clarifies Agency responsibilities with respect to ground water issues; provides direction for consideration of ground water resources in decisionmaking, including water-well and water-pipeline applications, siting of public water supplies, and implementation of source water protection programs on NFS lands; initiates a policy of quantifying ground

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water withdrawals from NFS lands; establishes ground water data management requirements; and promotes sustainable use of ground water resources.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC51

394. ● FOREST SERVICE POLICY ON PARTNER, SPONSOR, AND DONOR RECOGNITION (PROPOSED DIRECTIVE, FOREST SERVICE HANDBOOK 1509.14)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 558a to 558d; 42 USC 12501; 16 USC 1271; 16 USC 1641 to 1646

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is proposing to publish a directive to Forest Service Handbook 1509.14 where consistent national direction regarding sponsorship and donor recognition can be established. The proposed policy will establish new guidelines for the acceptance, utilization, and recognition of donations. The guidelines are intended to be practical standards under which the USDA Forest Service may fully use its donation acceptance authorities, while maintaining integrity, impartiality, and public confidence.

Donations are appropriate tools authorized by Congress for the Department and its bureaus to accomplish their missions. The Department's policy is to accept, utilize, recognize, and solicit donations in a manner that promotes and enhances the Department's programs,

activities, and operations, consistent with applicable law and the donation guidelines. The policy will also set forth the Chief's delegation of authority regarding donations and fundraising; establish roles and responsibilities for USDA FS employees who work with donors, fundraising partners, and potential donors; identify plans and agreements relating to philanthropic activities and explain when they are required to be used; establish criteria for consideration in accepting of donations; and provide general guidance on appropriate forms of donor recognition. The policy will also serve as guiding criteria for USDA FS employees' conduct in relation to donation and sponsorship activities and fundraising campaigns which benefit the USDA FS. The USDA FS seeks to ensure the integrity and appropriateness of donations and fundraising activities and add new direction on how partners are acknowledged for their contributions. This policy is to be used by USDA FS employees in tandem with the Partnership Guide.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC52

395. ● CATEGORICAL EXCLUSION FOR SKI AREA RESORT ACTIVITIES (PROPOSED DIRECTIVE, FSH 1909.15, CHAPTER 30)

Priority: Other Significant

Legal Authority: 7 CFR 1b

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed directive to

amend Forest Service Handbook 1909.15, chapter 30, regarding categorical exclusions (CEs) from documentation under the National Environmental Policy Act (NEPA). Its purpose is to improve management efficiency for ski areas operating under special use authorization on National Forest System lands.

Experience in environmental analysis of ski area developments has shown that many projects implementing a ski area master development plan or programmatic decision that was analyzed through an Environmental Assessment (EA) or Environmental Impact Statement (EIS) have not individually or cumulatively had a significant effect on the human environment. In the majority of projects, the issues associated with ski areas arise from the initial development or expansion of an area rather than from implementing projects.

The current list of CEs in this handbook omits some activities that do not warrant additional analysis and therefore places an unnecessary cost burden on the Agency and ski area operators. The Agency will review past environmental analyses to determine the types of implementing projects that typically do not have significant effects. Examples may include lift replacement or modification, minor modification of existing ski trails and terrain, vegetation management, improving or replacing existing facilities, and minor construction within the permitted area.

Timetable:

Action	Date	FR Cite
Proposed Directive	06/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC53

USDA—FS

Proposed Rule Stage

396. • THREATENED, ENDANGERED, AND SENSITIVE (TES) SPECIES, SPECIES-OF-CONCERN, HABITAT MANAGEMENT, AND BIODIVERSITY CONSERVATION (PROPOSED DIRECTIVE, FSM 2670)**Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service proposed to revise Forest Service Manual 2670, Threatened, Endangered, and Sensitive (TES) Plants and Animals, to set forth direction to ensure compliance with existing laws, regulations, and de-facto Agency policies and to reflect current conservation biology, knowledge, management practices, and emerging ecosystem and TES species-related topics and issues.

This amendment is needed to: (1) Better guide forest plan compliance with the two National Forest Management Act (NFMA) planning rules on ecosystem and species conservation; (2) guide project level effects analysis and documentation for TES species; (3) modify objectives for TES species and habitat conservation; (4) modify policies for TES species and habitat conservation; (5) modify responsibilities assigned for TES species and habitat conservation; (6) correct several definitions related to TES species and habitat management; (7) correct cooperation procedures for TES species and habitat conservation; (8) update direction on sensitive species management; (9) set forth any direction needed for species-of-concern; (10) update direction on the recovery of T&E species; and (11) incorporate two 2006 Interim Directives on the

2005 NFMA Planning Rule and on grizzly bear management.

The proposed changes are expected to provide more effective implementation of the Endangered Species Act, the 1982 and 2005 NFMA planning regulations, and Agency strategies and policies for at-risk species and their habitats.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC55**397. • PROCESSING APPLICATIONS FOR WIND ENERGY DEVELOPMENT ON NATIONAL FOREST SYSTEM LANDS (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL 2720)****Priority:** Other Significant**Legal Authority:** PL 109-58; EO 13212; 16 USC 472; 16 USC 4601(6a(c)); 7 USC 1011(f); ...**CFR Citation:** None**Legal Deadline:** None**Abstract:** The Forest Service is seeking comment on proposed policy that

would govern the review and processing of applications for wind energy development on National Forest System land. This policy would address the internal agency process and responsibilities for: (1) Reviewing proposed wind energy plans of development, site plans, and operation plans; (2) issuing special use authorizations for site testing and monitoring (met towers), and (3) issuing special use authorizations for wind energy development in accordance with existing Forest Service regulations pertaining to special land uses set out at 36 CFR 251.54; as well as (4) determining the level of environmental analysis required for individual wind energy projects in accordance with the National Environmental Policy Act, Council of Environmental Quality regulations, and existing Forest Service environmental policy and procedures.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC61**Department of Agriculture (USDA)
Forest Service (FS)****Final Rule Stage****398. 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

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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	12/00/06	

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

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AB21**399. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-113**CFR Citation:** 36 CFR 223**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	

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

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AB81**400. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING CATEGORICAL EXCLUSION (FINAL DIRECTIVE, FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)**

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

RIN: 0596-AB86**401. DELEGATION OF AUTHORITY TO APPROVE FREE USE BY INDIVIDUALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a**CFR Citation:** 36 CFR 223.8**Legal Deadline:** None

Abstract: The Forest Service published 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. Comments received will be considered in the development of the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/04/06	71 FR 523
Interim Final Rule Comment Period End	03/06/06	
Final Action	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC09**402. 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.

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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	12/00/06	

**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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC15**403. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER SALE CONTRACTS; MODIFICATION OF CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a; 16 USC 618; 16 USC 620 to 620j**CFR Citation:** 36 CFR 223.112**Legal Deadline:** None

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

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

Timetable:

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

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/08/04	
Final Action	12/00/06	

**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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC16**404. 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," and (4) inclusion of 5 congressionally-mandated categorical exclusions promulgated in section 390 of the Energy Policy Act of 2005.

Timetable:

Action	Date	FR Cite
NPRM	07/27/05	70 FR 43349
NPRM Comment Period End	08/26/05	
Final Action	12/00/06	

**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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC20**405. PREDATOR DAMAGE MANAGEMENT (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 426**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service is publishing a notice of proposed directive to FSM 2320 to clarify the role of the Forest Service in predator damage management in wilderness. In 1993, the Forest Service entered into a memorandum of understanding (MOU) with the Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) to clarify the

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

Timetable:

Action	Date	FR Cite
Proposed Directive	06/07/06	71 FR 32915
Comment Period Extended	08/08/06	
Comment Period End	09/07/06	
Final Directive	03/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC22

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

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

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

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

Timetable:

Action	Date	FR Cite
Notice of Interim Contracts	10/05/04	69 FR 59577
Comment Period End	11/04/04	
Notice of Final Contracts	01/00/07	

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, ATTN: ORMS, D&R Branch, 1400

Independence Avenue SW,
Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC26

407. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE DOCUMENTATION FOR SURFACE USE PLANS OF OPERATION FOR EXPLORATION OR DEVELOPMENT OF AN OIL AND GAS LEASE (FINAL 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 are being 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.

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Timetable:

Action	Date	FR Cite
Proposed Directive	12/13/05	70 FR 73722
Comment Period End	02/13/06	
Final Directive	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC34

408. ADVERTISING AND SPONSORSHIP IN CONNECTION WITH CONCESSIONS INVOLVING PRIVATELY OWNED IMPROVEMENTS ON NATIONAL FOREST SYSTEM LANDS (FINAL DIRECTIVE, FOREST SERVICE MANUAL 2340)

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

Abstract: The Forest Service is publishing a final directive 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 final directive adds direction to allow the permit holder to advertise inside buildings and other interior spaces owned by the holder. With respect to sponsorship, the final directive adds new direction on sponsorships that promote public participation in the management of NFS lands. The final directive describes the duration, location, and content of recognition of sponsors. Additionally, the final directive addresses special events and waives a prohibition on exterior advertising during a short-term event and requires 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
Interim Directive	11/25/05	70 FR 71081
Comment Period End	03/27/06	
Final Directive	03/00/07	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC41

409. NATIVE PLANT MATERIALS POLICY (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL 2070)

Priority: Substantive, Nonsignificant**Legal Authority:** EO 13112; 36 CFR 219.10(b)**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service is developing new proposed directives to Forest Service Manual 2070, Native Plant Materials, which would address the uses of native plant materials in the revegetation, restoration, and rehabilitation of National Forest System lands in order to achieve the Agency's goal of conserving aquatic and terrestrial biological diversity. The proposed policy would include a requirement to collaborate with Federal, State, and local government entities and the public to develop and implement a program for native plant materials with emphasis on life forms beyond the current conifer effort.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/26/06	71 FR 30375
Comment Period End	07/25/06	
Final Action	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Nona Jones, Department of Agriculture, Forest Service, MS 1135, ADM - 1ST-D&R, Post Office Box 96090-808RPE, Washington, DC 20090-6090
Phone: 703 605-4927
Fax: 703 235-2337
Email: npjones@fs.fed.us

RIN: 0596-AC44

410. FOREST SERVICE RENEWABLE RESOURCES HANDBOOK (2409.19), CHAPTER 60, STEWARDSHIP CONTRACTING

Priority: Substantive, Nonsignificant**Legal Authority:** PL 108-278**CFR Citation:** None**Legal Deadline:** None

Abstract: Public Law 108-278, the Tribal Forest Protection Act, authorizes the Secretaries of the Interior and Agriculture, upon request of an Indian tribe to enter into an agreement or contract to carry out a project to protect Indian forest land that meets specified criteria to issue public notice of initiation of any necessary environmental review or of the potential of entering into such an agreement or contract under which the Indian tribe would carry out certain activities. It authorizes the appropriate Secretary to enter into such an agreement or contract following completion of any necessary environmental analysis.

The Forest Service (FS) has issued an interim directive (ID) to Forest Service Handbook 2409.19 establishing guidance for evaluating proposals submitted by tribes. The intended effect of issuance of this ID is to provide consistent overall guidance to FS employees regarding tribal proposals. Forest Service is seeking comments on this interim directive to ensure that issues or deficiencies are addressed.

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Timetable:

Action	Date	FR Cite
Interim Directive; Request for Comment	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC45

411. • FOREST SERVICE NATIONAL TRAIL MANAGEMENT CLASSIFICATION SYSTEM (FINAL DIRECTIVE, FSM 2330)

Priority: Substantive, Nonsignificant

Legal Authority: 36 CFR 212

CFR Citation: None

Legal Deadline: None

Abstract: On July 3, 2006, the Forest Service published a Notice in the Federal Register for public comment on the Agency's proposed revisions to the National Trail Class Management System and Trail Design Parameters. The Forest Service uses this system to classify National Forest System Trails into 5 classes: Trail Class 1- Minimal/Undeveloped; Trail Class 2- Simple/Minor Development; Trail Class 3- Developed/Improved; Trail Class 4- Highly Developed; and Trail Class 5- Fully Developed. These trail classes are assigned to existing trails according to the physical characteristics of the trail. The Forest Service has an estimated 133,000 miles of National Forest System Trails. The National Trail Class System is an internal agency tool that local Forest Service managers use to designate trail classes at the field level. The Trail Design Parameters are used as the technical guidelines for trail construction and maintenance. Both of these tools are used internally by the Forest Service and are part of the national processes for evaluating the condition and design of Forest Service trails. These tools are used by the Forest Service to consistently inventory

and classify trails. The Trails Classification System does not have any on-the-ground environmental impacts.

Timetable:

Action	Date	FR Cite
Proposed Directive	07/03/06	71 FR 38021
Comment Period End	09/03/06	
Final Action	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC47

412. • SENSITIVE SPECIES AND ENDANGERED SPECIES ACT CONSULTATION FOR LAND MANAGEMENT PLANS (INTERIM DIRECTIVE, FOREST SERVICE MANUAL 2670)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service needs to issue an interim directive to clarify sensitive species and Endangered Species Act consultation management with the 2005 Planning Rule prior to the approval of the first Forest Land Management Plan (LMP) under the 2005 National Forest Management Act (NFMA) Planning Rule. The Agency anticipates that the first LMP will be approved in late summer or autumn of 2006. After consideration of comments, the direction subsequently would be issued in a comprehensive amendment to Forest Service Manual (FSM) 2670. Direction issued to sections FSM 2670.45 and FSM 2670.46 would add responsibilities for those Forest Supervisors and District Rangers who prepare Land Management Plans under the 2005 National Forest Management Act (NFMA) Planning Rule. The interim directive would describe changes necessary because of the different mechanisms and procedures in the 2005 NFMA Planning Rule to

accomplish the plant community diversity and other requirements of the NFMA, and because these mechanisms and procedures are intended to implement the 2005 NFMA Planning Rule rather than the 1982 Planning Rule. The new policy would read, "The provisions contained in the FSM 2670 that apply to sensitive species and to conducting a biological evaluation for Land Management Plan (LMP) decisions made under the 2005 Planning Rule, do not apply to that LMP, once the plan is approved." Direction issued to sections FSM 2670.45 and FSM 2670.46 would add responsibilities for those Forest Supervisors and District Rangers who prepare Land Management Plans under the 2005 National Forest Management Act (NFMA) Planning Rule. The change is necessary because, by themselves, such LMPs have no effect on listed species or designated critical habitat under the Endangered Species Act that can be meaningfully identified and evaluated. The new policy would state, "A forest that revises its Land Management Plan (LMP) under the 2005 NFMA Planning Rule is subject to its regulations at 36 CFR 219.10, and to direction in FSM 1921.73, Ecological Evaluation of Sustainability, and Forest Service Handbook 1909.12, Land Management Planning Handbook. As a result, there would be no basis to request an ESA section 7(a)(2) jeopardy consultation on the LMP. In addition, all provisions contained in FSM 2670 that refer to identifying effects of forest plans to endangered and threatened species, to not jeopardizing species, or to using section 7(a)(2) formal consultation, do not apply to the development, amendment, revision, or implementation of LMPs. Collaboration with the United States Fish and Wildlife Service and National Marine Fisheries Service under section 7(a)(1) on LMP programs for the conservation of endangered and threatened species would continue."

The proposed changes are expected to provide more effective implementation of the 1982 and 2005 NFMA planning regulations and a better field understanding of applicable policies on these topics.

Timetable:

Action	Date	FR Cite
Interim Directive; Request for Comment	12/00/06	

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Final Rule Stage

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC54

413. ● GRIZZLY BEAR MANAGEMENT (INTERIM DIRECTIVE, FSM 2676.1)

Priority: Other Significant

Legal Authority: 16 USC 1531 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service plans to issue an interim directive (ID) to FSM 2676.1 to provide appropriate and updated direction on Grizzly Bear populations and Distinct Population Segments (DPS), such as the pending Yellowstone Grizzly DPS, that are delisted.

The updated direction will reflect new information on the current status of grizzly bears. The direction in the ID would be broadened to be applicable to populations that are listed as “Threatened” under the Endangered Species Act, and to “Distinct Population Segments” that are delisted. The interim changes remove out-of-date population estimates and adds the current status of the population in the Greater Yellowstone Area. The ID addresses habitat management objectives, rather than recovery criteria, and removes the requirement to establish thresholds through the cumulative effects assessment process. New authorities, objectives, responsibilities, and policy on habitat management and the use of direct bear management techniques will be added and those that are obsolete will be removed.

The interim changes are expected to lead to more effective implementation of conservation activities for grizzly bears and a better field understanding of applicable policies for grizzly bear management.

Timetable:

Action	Date	FR Cite
Interim Directive; Request for Comment	12/00/06	

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC56

414. ● NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVE (FINAL DIRECTIVE, FOREST SERVICE HANDBOOK 1909.12, CHAPTER 70-WILDERNESS EVALUATION)

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

RIN: 0596-AC57

Department of Agriculture (USDA) Forest Service (FS)

Long-Term Actions

415. COMMUNITY AND PRIVATE LAND FOREST FIRE ASSISTANCE PROGRAM

Priority: Other Significant

CFR Citation: 36 CFR 230 subpart D (new)

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AB96

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

Priority: Substantive, Nonsignificant

CFR Citation: None

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

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC12

417. WATERSHED FORESTRY ASSISTANCE PROGRAM (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL 3500)

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	07/26/04	
Proposed Guideline	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

USDA—FS

Long-Term Actions

Government Levels Affected: Federal, Local, State

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC19

RIN: 0596-AC18

418. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL 3500)

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

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC18

RIN: 0596-AC19

419. RESOURCE AGENCY PROCEDURES FOR CONDITIONS AND PRESCRIPTIONS IN HYDROPOWER LICENSES

Priority: Other Significant

CFR Citation: 7 CFR 1

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/05	70 FR 69804
Interim Final Rule Comment Period End	01/17/06	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC42

420. ● SPECIAL AREAS; STATE SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: VIRGINIA

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 539; 16 USC 551; 16 USC 1608; 16 USC 1613; 23 USC 201; 36 CFR 294

CFR Citation: 36 CFR 294, subpart C

Legal Deadline: None

Abstract: The Governor of Virginia submitted a petition to the Secretary of Agriculture under the provisions of the State Petitions for Inventoried Roadless Area Management, 36 CFR part 294, subpart B (2005 rule), adopted on May 5, 2005. The Secretary accepted the Governor's petition and initiated a proposed rulemaking for the roadless areas in Virginia. This rulemaking would prohibit road construction and reconstruction and timber harvest in certain inventoried roadless areas on the George Washington and Jefferson National Forests. Exceptions to the prohibitions would be allowed for certain health, safety, resource protection, and ecological management needs.

However, on September 20, 2006, the United States District Court for the Northern District of California issued an order setting aside the 2005 rule and reinstating the 2001 Roadless Area Conservation rule (2001 rule). On September 22, 2006, the State of Wyoming filed a motion asking the Wyoming District Court, among other things, to reinstate its order enjoining the 2001 rule. As a result of ongoing litigation, USDA has notified the States that they may consider submitting a new rulemaking petition for roadless area management under the generic petition provisions in the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28).

Timetable: Next Action Undetermined

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, ATTN:

ORMS, D&R Branch, 1400

Independence Avenue SW,

Washington, DC 20250-0003

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC59, Related to 0596-AC60

RIN: 0596-AC58

421. ● SPECIAL AREAS; STATE SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: NORTH CAROLINA

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 529; 16 USC 551; 16 USC 1608; 16 USC 1613; 23 USC 201; 36 CFR 294; . . .

CFR Citation: 36 CFR 294, subpart D

Legal Deadline: None

Abstract: The Governor of North Carolina submitted a petition to the Secretary of Agriculture under the provisions of the State Petitions for Inventoried Roadless Area Management, 36 CFR part 294, subpart B (2005 rule), adopted on May 5, 2005. The Secretary accepted the Governor's petition and initiated a proposed rulemaking for the roadless areas in North Carolina that would prohibit road construction and reconstruction and timber harvest in certain inventoried roadless areas on the Croatan, Nantahala, and Pisgah National Forests in North Carolina. Exceptions to the prohibitions would be allowed for certain health, safety, resource protection, and ecological management needs.

However, on September 20, 2006, the United States District Court for the Northern District of California issued an order setting aside the 2005 rule and reinstating the 2001 Roadless Area Conservation rule (2001 rule). On September 22, 2006, the State of Wyoming filed a motion asking the Wyoming District Court, among other things, to reinstate its order enjoining the 2001 rule. As a result of ongoing litigation, USDA has notified the States that they may consider submitting a new rulemaking petition for roadless area management under the generic petition provisions in the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28).

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

USDA—FS

Long-Term Actions

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC58, Related to 0596-AC60

RIN: 0596-AC59

422. • SPECIAL AREAS; STATE SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: SOUTH CAROLINA

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 529; 16 USC 551; 16 USC 1608; 16 USC 1613; 23 USC 201; 36 CFR 294

CFR Citation: 36 CFR 294, subpart E

Legal Deadline: None

Abstract: The Governor of South Carolina submitted a petition to the Secretary of Agriculture under the

provisions of the State Petitions for Inventoried Roadless Area Management, 36 CFR part 294, subpart B (2005 rule), adopted on May 5, 2005. The Secretary accepted the Governor's petition and initiated a proposed rulemaking for the roadless areas in South Carolina that would prohibit road construction and reconstruction and timber harvest in certain inventoried roadless areas on the Francis Marion and Sumter National Forests in South Carolina. Exceptions to the prohibitions would be allowed for certain health, safety, resource protection, and ecological management needs.

However, on September 20, 2006, the United States District Court for the Northern District of California issued an order setting aside the 2005 rule and reinstating the 2001 Roadless Area Conservation rule (2001 rule). On September 22, 2006, the State of Wyoming filed a motion asking the Wyoming District Court, among other things, to reinstate its order enjoining the 2001 rule. As a result of ongoing

litigation, USDA has notified the States that they may consider submitting a new rulemaking petition for roadless area management under the generic petition provisions in the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28).

Timetable: Next Action Undetermined

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, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC58, Related to 0596-AC59

RIN: 0596-AC60

Department of Agriculture (USDA) Forest Service (FS)

Completed Actions

423. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES (FINAL INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2350)

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Directive	05/22/06	71 FR 29294

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AB92

424. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES (FINAL INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2330)

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Directive	05/22/06	71 FR 29288

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AB93

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

Priority: Other Significant

CFR Citation: 36 CFR 215

Completed:

Reason	Date	FR Cite
Withdrawn	07/14/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

RIN: 0596-AC28

BILLING CODE 3410-11-S

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

Final Rule Stage

426. 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	03/00/07	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: State, Local, Tribal

Federalism: Undetermined

Agency Contact: Tyson Whitney,
 Department of Agriculture, Office of the
 Secretary, 1400 Independence Avenue
 SW, Washington, DC 20250

Phone: 202 720-8978

Email: tyson.whitney@usda.gov

RIN: 0503-AA21

427. • DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 2
Priority: Substantive, Nonsignificant.
 Major status under 5 USC 801 is
 undetermined.

Legal Authority: PL 107-171, sec 9002

CFR Citation: 7 CFR 2902

Legal Deadline: None

Abstract: This rulemaking will designate for preferred procurement under the Federal Biobased Preferred Procurement Program, 10 items. These are: Adhesive and mastic removers, insulating foam for wall construction, hand cleaners and sanitizers, composite panels, transformer fluids, biodegradable containers, fertilizers, metalworking fluids, sorbents, and graffiti and grease removers.

Timetable:

Action	Date	FR Cite
NPRM	08/17/06	71 FR 47566
NPRM Comment Period End	10/16/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: Businesses

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,
 1400 Independence Avenue SW, Room
 4059, South Building, Washington, DC
 20250

Phone: 202 401-0532

Fax: 202 401-0535

Email: mduncan@oce.usda.gov

RIN: 0503-AA30

428. • DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 3
Priority: Substantive, Nonsignificant

Legal Authority: PL 107-171, sec 9002

CFR Citation: 7 CFR 2902

Legal Deadline: None

Abstract: This rulemaking will designate for preferred procurement under the Federal Biobased Products Preferred Procurement Program, 10 items. These are: 2-cycle engine oils, lip care products, biodegradable films, stationary equipment hydraulic fluids, biodegradable cutlery, glass cleaners, greases, dust suppressants, carpets, and carpet and upholstery cleaners.

Timetable:

Action	Date	FR Cite
NPRM	08/17/06	71 FR 47590
NPRM Comment Period End	10/16/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: Businesses

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,
 1400 Independence Avenue SW, Room
 4059, South Building, Washington, DC
 20250

Phone: 202 401-0532

Fax: 202 401-0535

Email: mduncan@oce.usda.gov

RIN: 0503-AA31

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

Completed Actions

429. VOLUNTARY LABELING PROGRAM FOR DESIGNATED BIOBASED PRODUCTS
Priority: Other Significant

CFR Citation: 7 CFR 2902

Completed:

Reason	Date	FR Cite
Final Action	01/11/05	70 FR 1792

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Marvin Duncan

Phone: 202 401-0532

Fax: 202 401-0535

USDA—AgSEC

Completed Actions

Email: mduncan@oce.usda.gov

RIN: 0503-AA28

430. DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 2902**Completed:**

Reason	Date	FR Cite
Final Action	03/16/06	71 FR 13686

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marvin Duncan

Phone: 202 401-0532

Fax: 202 401-0535

Email: mduncan@oce.usda.gov

RIN: 0503-AA29

BILLING CODE 3410-90-S

Department of Agriculture (USDA)

Proposed Rule Stage

Rural Business—Cooperative Service (RBS)

431. 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	12/00/06	
NPRM Comment	02/00/07	
Period End		

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, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6802
Fax: 202 720-6003
Email: brenda.griffin@wdc.usda.gov

RIN: 0570-AA26

CFR Citation: 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B**Legal Deadline:** None**Abstract:** The regulations are being completely rewritten to make changes that will ultimately reduce delinquencies, enhance program effectiveness, correct minor inconsistencies, and make the regulations more clear and easier to understand.**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local, Tribal**Federalism:** Undetermined**Agency Contact:** Michael Foore, Program Advisor, Office of the Administrator, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0056
Fax: 202 690-4737
Email: michael.foore@wdc.usda.gov

RIN: 0570-AA41

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	01/00/07	
NPRM Comment	03/00/07	
Period End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569
Phone: 202 720-9452
Fax: 202 720-7491
Email: robin.meigel@wdc.usda.gov

RIN: 0570-AA48

434. 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**432. 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**433. 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

USDA—RBS

Proposed Rule Stage

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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Rick Bonnet, Senior Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250
Phone: 202 720-1804
Fax: 202 690-3808
Email: rick.bonnet@wdc.usda.gov
RIN: 0570-AA61

435. AMENDMENT OF GUARANTEE REQUIREMENTS

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

Legal Authority: 5 USC 301; 7 USC 1932, note; 7 USC 1989; 31 USC 3716; 412 USC 1480

CFR Citation: 7 CFR 1951, subpart C

Legal Deadline: None

Abstract: The Agency proposes to add a paragraph providing that any amounts paid by the Agency pursuant to a claim by a guaranteed lender will constitute a Federal debt owing to the Agency by any third-party guarantor of the defaulted loans, to the extent of the amount of the third-party guarantee.

A final rule was published on January 22, 2004 [69 FR 2999], adding section 1951.133 that provides any amounts paid by the Agency on account of the liabilities of guaranteed loan borrower constitute a Federal debt owing to the agency by the guaranteed loan borrower for purposes of the Debt Collection Improvement Act of 1996 (31 U.S.C.

3716) (DCIA), to collect the debt. This proposed rulemaking will have the effect of making the DCIA remedies available to the Agency for pursuing collection against third-party guarantors as well.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569
Phone: 202 720-9452
Fax: 202 720-7491
Email: robin.meigel@wdc.usda.gov
RIN: 0570-AA62

436. • SOCIO-ECONOMIC BENEFIT ASSESSMENT SYSTEM (SEBAS)

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

Legal Authority: 5 USC 301; 7 USC 1989

CFR Citation: 7 CFR 4279; 7 CFR 4287

Legal Deadline: None

Abstract: The Socio-Economic Benefit Assessment System (SEBAS) requires specific items of project information to estimate the performance and economic effectiveness of Business and Industry Guaranteed Loans. At present, the information needed to generate SEBAS performance reports is not required by regulation. The proposed action will revise the identified regulations to require information necessary to generate performance output data from SEBAS. Specifically, detailed sales and wage information and a list of expenses related to applicant operations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
NPRM Comment Period End	04/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: William C Smith, Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250-3224
Phone: 202 205-0903
Fax: 202 720-6003
Email: william.smith@wdc.usda.gov
RIN: 0570-AA63

437. • RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS (REEEI) PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 4280; 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B

Legal Deadline: None

Abstract: The Socio-Economic Benefit Assessment System (SEBAS) model requires specific items of project information to estimate the performance and economic effectiveness of Business and Industry Guaranteed Loans. At present, the information needed to generate SEBAS performance reports is not required by regulation. The proposed action will revise the identified regulations to require information necessary to generate performance output data from SEBAS. Specifically, detailed sales, sales and wage information, and a list of expenses related to applicant operations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
NPRM Comment Period End	04/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: William C Smith, Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400

USDA—RBS

Proposed Rule Stage

Independence Avenue SW, STOP 3224,
Washington, DC 20250-3224

Phone: 202 205-0903
Fax: 202 720-6003

Email: william.smith@wdc.usda.gov
RIN: 0570-AA64

Department of Agriculture (USDA)

Final Rule Stage

Rural Business—Cooperative Service (RBS)

438. 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 recipients' recordkeeping requirements. It will also add a section on the appeal of adverse decisions.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 69937
NPRM Comment Period End	02/14/00	65 FR 69937
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Todd Hubbell, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250-3225
Phone: 202 690-2516
Email: todd.hubbell@wdc.usda.gov

RIN: 0570-AA19

439. 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	08/00/07	

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, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0056
Fax: 202 690-4737
Email: michael.foore@wdc.usda.gov

RIN: 0570-AA35

440. 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
Interim Final Rule Comment Period End	12/09/04	
Interim Final Rule Effective	12/09/04	
Final Action	07/00/07	

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, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6802
Fax: 202 720-6003
Email: brenda.griffin@wdc.usda.gov

RIN: 0570-AA39

441. 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

USDA—RBS

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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	12/00/06	

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

Phone: 202 690-0797

Fax: 202 720-6003

Email: david.lewis@wdc.usda.gov

RIN: 0570-AA54

Department of Agriculture (USDA)

Completed Actions

Rural Business—Cooperative Service (RBS)

442. TANGIBLE NET EQUITY

Priority: Other Significant**CFR Citation:** 7 CFR 1980; 7 CFR 4279**Completed:**

Reason	Date	FR Cite
Final Action	06/08/06	71 FR 33181

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Fred Kieferle
Phone: 202 720-7818

Fax: 202 720-6003

Email: fred.kieferle@wdc.usda.gov

RIN: 0570-AA49**BILLING CODE** 3410—XY—S

Department of Agriculture (USDA)

Proposed Rule Stage

Rural Utilities Service (RUS)

443. LIEN ACCOMMODATIONS AND SUBORDINATIONS FOR 100 PERCENT PRIVATE FINANCING

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1717-R**Legal Deadline:** None

Abstract: RUS proposes to amend its regulations on lien accommodations and subordinations. The rule proposes to remove the procedures where case-by-case RUS approval of the issuance of additional secured debt is required and establish those procedures: Eligible financing purposes, decision factors for granting lien accommodations, application content and timeframe, in an agency guide bulletin. This proposed rule will focus on lien accommodation policies and establish a more user-friendly regulation for lien accommodation and subordination for 100 percent private financing. RUS proposes this clarification of the rule and update to the existing lien accommodation and subordination regulations in its ongoing effort to maintain current program rules.

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov**RIN:** 0572-AB99

444. 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, an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, 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	02/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov**RIN:** 0572-AC03

USDA—RUS

Proposed Rule Stage

445. SPECIFICATIONS FOR 15, 25, AND 35 KV PRIMARY UNDERGROUND POWER CABLE**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1728**Legal Deadline:** None

Abstract: This proposed rule is necessary to provide RUS electric borrowers with updated specifications for 15 and 25 kV underground power cable and to provide borrowers with specifications for 35 kV underground power cable. These specifications cover single-phase and multi-phase primary underground power cable, which RUS electric borrowers use to construct their rural underground electric distribution systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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

Agency Contact: Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784

Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov
RIN: 0572-AC05

446. • RURAL BROADBAND ACCESS LOANS AND LOAN GUARANTEES**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 107-171; 7 USC 901 et. seq**CFR Citation:** 7 CFR 1738**Legal Deadline:** None

Abstract: Since the Broadband Program's inception, the Agency has faced and continues to face significant challenges in administering the program, including the fierce competitive nature of the broadband market, the fact that many companies proposing to offer broadband service are start-up organizations with limited resources, constantly changing technology, and economic factors such as the higher cost of serving rural communities. Because of these challenges, the agency has been reviewing the characteristics of the Broadband Program and has determined that modifications are required to accelerate the deployment of broadband service to the rural areas of the country in order to meet President Bush's initiative for universal broadband deployment by 2007. Therefore, this rulemaking proposes to implement changes on the following subject matter:

- 1) Funding in competitive markets;
- 2) the definition of Eligible Rural Community;
- 3) a new standard for minimum data transmission rate;
- 4) new equity requirements and modified loan purposes to include operating expenses;
- 5) market survey requirements; and
- 6) time limits for build-out and deployment and funding against current borrowers.

Additional clarifications to procedural matters will also be incorporated as necessary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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

Agency Contact: Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov

RIN: 0572-AC06**Department of Agriculture (USDA)
Rural Utilities Service (RUS)**

Final Rule Stage

447. 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 Development Utilities Programs proposes to amend 7 CFR 1755 to include requirements presently contained in 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	
Final Action	03/00/07	

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

Agency Contact: Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov

RIN: 0572-AB40**448. SERVICING OF WATER PROGRAMS LOANS AND GRANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

USDA—RUS

Final Rule Stage

CFR Citation: 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

Legal Deadline: None

Abstract: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, 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 the agency 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@usda.gov

RIN: 0572-AB59

449. PUBLIC TELEVISION STATION DIGITAL TRANSITION GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-447

CFR Citation: 7 CFR 1740

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 FY 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	01/20/06	71 FR 3205
Interim Final Rule Comment Period End	03/31/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov

RIN: 0572-AC02

450. 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan, Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov

RIN: 0572-AC04

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

Completed Actions

451. SPECIAL EQUIPMENT CONTRACT (NOT INCLUDING INSTALLATION), RUS FORM 398

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1755

Completed:

Reason	Date	FR Cite
Withdrawn	08/10/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Annan
Phone: 202 720-0784
Fax: 202 720-4120
Email: richard.annan@wdc.usda.gov

RIN: 0572-AB76

USDA—RUS

Completed Actions

452. EXEMPTION OF CERTAIN BORROWERS FROM CONTROLS**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1717**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan

Phone: 202 720-0784

Fax: 202 720-4120

Email: richard.annan@wdc.usda.gov

RIN: 0572-AB85**453. ELIMINATION OF SUBPART M: OPERATIONAL CONTROLS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1717**Completed:**

Reason	Date	FR Cite
Withdrawn	08/11/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan

Phone: 202 720-0784

Fax: 202 720-4120

Email: richard.annan@wdc.usda.gov

RIN: 0572-AB97**454. TELECOMMUNICATIONS SYSTEM CONSTRUCTION POLICIES AND PROCEDURES****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1753**Completed:**

Reason	Date	FR Cite
Withdrawn	08/10/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan

Phone: 202 720-0784

Fax: 202 720-4120

Email: richard.annan@wdc.usda.gov

RIN: 0572-AB98**455. SEISMIC SAFETY****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1792**Completed:**

Reason	Date	FR Cite
NPRM	10/16/06	71 FR 60672
Direct Final Rule	10/16/06	71 FR 60657
Direct Final Rule Effective	11/30/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan

Phone: 202 720-0784

Fax: 202 720-4120

Email: richard.annan@wdc.usda.gov

RIN: 0572-AC01**BILLING CODE** 3410-15-S

Department of Agriculture (USDA)

Final Rule Stage

Natural Resources Conservation Service (NRCS)

456. 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
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Interim Final Rule 07/25/05

Comment Period End

Final Action 12/00/06

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Harry Slawter,

Resource Conservationist, Department

of Agriculture, Natural Resources

Conservation Service, P.O. Box 2890,

Washington, DC 20013

Phone: 202 720-1845

Fax: 202 720-4265

Email: harry.slawter@wdc.usda.gov

RIN: 0578-AA36**457. GRASSLAND RESERVE PROGRAM****Priority:** Other Significant**Legal Authority:** PL 107-171; 16 USC 3838**CFR Citation:** 7 CFR 1415**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	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Floyd Wood,

Easement Program Division,

Department of Agriculture, Natural

Resources Conservation Service,

Washington, DC 20013

Phone: 202 720-0242

Fax: 202 720-9689

Email: floyd.wood@wdc.usda.gov

RIN: 0578-AA38

USDA—NRCS

Final Rule Stage

458. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION

Priority: Other Significant

Legal Authority: 5 USC 552(b)(3)

CFR Citation: 7 CFR 609

Legal Deadline: None

Abstract: Section 1244 of the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002, prohibits the release and disclosure of proprietary information

unless certain exceptions apply. Once implemented, the regulations will ensure program participant confidence that proprietary information will not be released and disclosed and will ensure that the public benefits provided by the conservation programs will not be undermined.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Brown Kevin, Deputy Chief for Management, Department of Agriculture, Natural Resources Conservation Service, PO Box 2890, Washington, DC 20013
 Phone: 202 720-6297
 Fax: 202 720-2588
 Email: kevin.brown@wdc.usda.gov

RIN: 0578-AA40

BILLING CODE 3410-16-S

Department of Agriculture (USDA)

Completed Actions

National Agricultural Statistical Service (NASS)

459. DAIRY PRODUCT MANDATORY REPORTING

Priority: Other Significant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	08/23/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Kerestes
 Phone: 202 720-3570
 Email: dan_kerestes@nass.usda.gov

RIN: 0535-AA00

BILLING CODE 3410-20-S

Department of Agriculture (USDA)

Long-Term Actions

Office of Procurement and Property Management (OPPM)

460. 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
 Phone: 202 720-5729
 Fax: 202 720-5729

Email: joe.daragan@usda.gov

RIN: 0599-AA12

[FR Doc. 06-7543 Filed 12-08-06; 8:45 am]

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