



# Federal Register

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**Monday,  
May 13, 2002**

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**Part III**

**Department of  
Agriculture**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF AGRICULTURE (USDA)**

**DEPARTMENT OF AGRICULTURE**

**Office of the Secretary**

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

**9 CFR Chs. I-IV**

**36 CFR Ch. II**

**41 CFR Ch. 4**

**Semiannual Regulatory Agenda, Spring 2002**

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of significant and

not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order 12866 "Regulatory Planning and Review." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no

legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 118-E, Jamie Whitten Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

**Dated:** April 1, 2002.

**Jacquelyn Y. Chandler,**  
*Chief, Legislative and Regulatory and Automated Systems Staff.*

**Agricultural Marketing Service—Prerule Stage**

Sequence Number	Title	Regulation Identification Number
1	Cotton Futures Act: Changing the Destination of Spot Markets (CN-01-004) .....	0581-AC00

**Agricultural Marketing Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
2	National Laboratory Accreditation Program .....	0581-AB42
3	Changes in Fees for Federal Grading and Certification of Livestock for Chicago Mercantile Exchange Futures Deliveries .....	0581-AB66
4	Discontinue the Official Grading of Imported Beef, Lamb, Veal, and Calf Carcasses Under the Authority of the Agricultural Marketing Act of 1946 .....	0581-AB90
5	Revision of Regulations Governing the Inspection and Grading Service of Manufactured or Processed Dairy Products (DA-00-08) .....	0581-AB93
6	National Organic Program: Add Standards for Mushroom, Apiculture, Greenhouse and Hydroponic Production Systems and the Handling of Honey (TM-01-09) .....	0581-AB96
7	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) .....	0581-AB97
8	Livestock Mandatory Reporting Program—Lamb Amendment (LS-01-08) .....	0581-AB98
9	Revision of User Fees for 2002 Crop Cotton Classification Services .....	0581-AC04
10	Mango Promotion, Research, and Information Order (FV-01-707) .....	0581-AC05
11	Establishing a Lamb Promotion, Research, and Information Order (LS-01-12) .....	0581-AC06
12	Establishing Fees for Voluntary Quality Systems Certification Services (LS-00-13) .....	0581-AC08

**Agricultural Marketing Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
13	General Specifications for Dairy Plants Approved for USDA Inspection and Grading .....	0581-AB59
14	Hass Avocado Promotion, Research, and Information Order (FV-01-705) .....	0581-AB92

## USDA

## Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
15	Increase in Fees for Voluntary Federal Seed Testing and Certification Services and Establishment of a Fee for Preliminary Test Reports (LS-01-07) .....	0581-AB95
16	Increase in Fees and Charges For Eggs, Poultry, and Rabbit (PY-01-005) .....	0581-AB99
17	Regulations Governing the California Prune/Plum (Tree Removal) Diversion Program, 2001-2002 Crop Year (FV-01-81-01) .....	0581-AC03
18	Fresh Russet Potato Diversion Program, 2000 Crop (FV-01-80-01) .....	0581-AC07

## Agricultural Marketing Service—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0581-AB56	Voluntary Shell Egg Regulations; Repackaging of Shell Eggs Under USDA's Grading Program	03/11/2002	Withdrawn
0581-AB70	Program To Assess Organic Certifying Agencies	03/14/2002	Withdrawn
0581-AB74	Regulations Governing the Inspection of Eggs	03/11/2002	Withdrawn
0581-AB86	Tobacco Fees and Charges for Permissive Inspection: Fee Increase (TB-00-04 FR)	03/11/2002	Withdrawn
0581-AB87	Tobacco Fees and Charges for Mandatory Inspection: Fee Increase	03/11/2002	Withdrawn
0581-AC02	Voluntary Grading of Shell Eggs; Facilities and Equipment (PY-01-003)	03/11/2002	Withdrawn

## Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
19	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs .....	0560-AF60
20	Interest Assistance Program .....	0560-AG46

## Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
21	Noninsured Crop Disaster Assistance Program Regulations for the 2001 and Succeeding Crop Years .....	0560-AG20
22	Limitations on Amount of Guaranteed Farm Ownership and Operating Loans .....	0560-AG64

## Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
23	Mediation; Agricultural Loan Mediation Program .....	0560-AE26
24	Amendments to the Standards for Approval of Warehouse for Commodity Credit Corporation Storage Contracts ....	0560-AE50
25	Deletion of FSA Regulations Regarding Colorado River Basin Salinity Control Program .....	0560-AE54
26	Amendments to the Debt Settlement Policies and Procedures To Conform to the Debt Collection Improvement Act of 1996 .....	0560-AF22
27	Amendment to the Farm Reconstitution Regulations .....	0560-AF36
28	Low Documentation Loan .....	0560-AF71
29	Amendments to the Conservation Reserve Program Regulations Regarding Land Eligibility .....	0560-AF77
30	Designation of Non-Auction Tobacco .....	0560-AG07
31	Agricultural Disaster and Market Assistance .....	0560-AG14
32	Emergency Conservation Program .....	0560-AG26
33	Conservation of Farmable Wetlands .....	0560-AG38
34	Tobacco Loss Assistance Program and Amendments to the Tobacco Marketing Quota Regulations .....	0560-AG40

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## Farm Service Agency—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
35	Collection of Appraisal Fees for Farm Loan Programs, Insured Loans .....	0560-AG42
36	Collecting Guaranteed Loss Payments From FSA Farm Loan Program Borrowers .....	0560-AG44
37	Implementation of the U.S. Warehouse Act of 2000 .....	0560-AG45
38	Non-Recourse Cotton Loan and Loan Deficiency Payment Programs; Upland Cotton First Handler Marketing Certificate Program; and Seed Cotton Recourse Loan Program .....	0560-AG47
39	Ocean Freight Claims Administrative Appeal Process .....	0560-AG49
40	Elimination of 30-Day Past-Due Period for Farm Loan Program Borrowers .....	0560-AG50
41	Tobacco Marketing Quotas, Cards, Penalty Provisions, Recordkeeping and Reporting .....	0560-AG52
42	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements .....	0560-AG53
43	General Regulations Governing Commodity Loans for 1998 and Subsequent Crops .....	0560-AG54
44	Amendment to the Regulations for Determining Acreage for Skip-Row Cotton .....	0560-AG55
45	Prompt Disaster Set-Aside Consideration and Primary Loan Servicing .....	0560-AG56
46	2002-Crop Peanuts National Poundage Quota for Quota Peanuts .....	0560-AG57
47	2002-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco .....	0560-AG58
48	2002-Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG59
49	2002-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG60
50	Horse Breeder Loans .....	0560-AG62
51	Apple Market Loss Payment Program .....	0560-AG63
52	Clarification of Guaranteed Farm Ownership and Operating Loan Requirements .....	0560-AG65
53	Servicing Minor Farm Loan Program Loans .....	0560-AG67
54	Sale and Purchase of Flue-Cured Tobacco Across County Lines (Florida and Georgia) .....	0560-AG68

## Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identification Number
55	Dairy Recourse Loan Program .....	0560-AF41
56	1999-Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AF50
57	Remove Internal Agency Provisions From FSA Farm Credit Program Regulations for Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property .....	0560-AF53
58	Streamlining of the Emergency Farm Loan Program Regulations .....	0560-AF72
59	2000-Crop Peanuts National Poundage Quota, National Average Loan Rates for Quota and Additional Peanuts and Minimum Export-Edible Sales Price for Additional Peanuts .....	0560-AF83
60	2000-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AF84
61	Disaster Set-Aside Program .....	0560-AF91
62	Lamb Meat Adjustment Assistance Program .....	0560-AG17
63	2001-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG28
64	2001-Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG29
65	2001-Crop Marketing and Price Support Levels for Five Kinds of Tobacco .....	0560-AG30
66	2001-Crop Peanuts National Poundage Quota, National Average Loan Rates for 2001-Crop Quota and Additional Peanuts and Minimum Export Edible Sales Price for Additional Peanuts .....	0560-AG31
67	Livestock Indemnity Program and Livestock Indemnity Program for Contract Growers .....	0560-AG33
68	Conservation Reserve Program—Failure To Establish Cover and Good Faith Reliance .....	0560-AG37
69	Reduction of Amortized Shared Appreciation Recapture Interest Rate .....	0560-AG43
70	Tobacco Marketing Quotas, Acreage Allotments and Production Adjustment .....	0560-AG51
71	Tobacco Loss Assistance Program 2001 .....	0560-AG61
72	Dairy Indemnity Payment Program .....	0560-AG66

## Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
73	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs .....	0579-AB24

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

Sequence Number	Title	Regulation Identification Number
74	Potential Pathways for the Spread of Bovine Spongiform Encephalopathy in U.S. Livestock .....	0579-AB43

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

Sequence Number	Title	Regulation Identification Number
75	Importation of Solid Wood Packing Material .....	0579-AA99
76	Blood and Tissue Collection at Livestock Slaughtering Establishments .....	0579-AB13
77	Bees, Beekeeping Byproducts, and Beekeeping Equipment ( <b>Section 610 Review</b> ) .....	0579-AB20
78	Veterinary Diagnostic User Fees—5-Year Plan for Fees ( <b>Section 610 Review</b> ) .....	0579-AB22
79	Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions .....	0579-AB31
80	Foot-and-Mouth Disease; Payment of Indemnity .....	0579-AB34
81	Chronic Wasting Disease in Elk; Interstate Movement Restrictions and Payment of Indemnity .....	0579-AB35
82	Importation of Milk and Milk Products from FMD Countries .....	0579-AB38
83	Importation of Clementines from Spain .....	0579-AB40

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

Sequence Number	Title	Regulation Identification Number
84	Animal Welfare; Inspection, Licensing, and Procurement of Animals ( <b>Section 610 Review</b> ) .....	0579-AA94
85	Phytosanitary Treatment by Irradiation of Imported Fresh Fruits and Vegetables .....	0579-AA97
86	Importation of Unmanufactured Wood Articles From Mexico .....	0579-AB02
87	Establishment of Regions in the European Union for Classical Swine Fever, Foot-and-Mouth Disease, and Swine Vesicular Disease .....	0579-AB03
88	Pseudorabies in Swine; Payment of Indemnity .....	0579-AB10
89	Plum Pox Compensation .....	0579-AB19
90	Animal Welfare; Policy on Environment Enhancement for Nonhuman Primates .....	0579-AB25
91	Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....	0579-AB26
92	Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....	0579-AB29
93	Tuberculosis; Indemnity for Dairy Cattle .....	0579-AB36
94	Infectious Salmon Anemia; Payment of Indemnity .....	0579-AB37
95	Animal Welfare; Policy on Training and Handling of Potentially Dangerous Animals .....	0579-AB39
96	Additional Restrictions on the Importation of Certain Ruminant Meat, Meat Products, and Edible Products Other Than Meat From BSE Regions .....	0579-AB41
97	Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity ( <b>Section 610 Review</b> ) .....	0579-AB42
98	Karnal Bunt Compensation .....	0579-AB45

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

Sequence Number	Title	Regulation Identification Number
99	Importation of Certain Embryos and Animal Semen ( <b>Section 610 Review</b> ) .....	0579-AA63
100	Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....	0579-AA80
101	Importation of Fuji Apples From the Republic of Korea .....	0579-AA93
102	Horse Protection; Horse Industry Organizations .....	0579-AB04
103	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
104	Exportation of Livestock ( <b>Section 610 Review</b> ) .....	0579-AB21
105	Nursery Stock Regulations ( <b>Section 610 Review</b> ) .....	0579-AB23
106	Draft Action Plan for the Noxious Weeds Program .....	0579-AB30
107	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program .....	0579-AB44

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Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
108	Commercial Transportation of Equines to Slaughter .....	0579-AB06
109	Importation of Unshu Oranges .....	0579-AB17
110	Mexican Hass Avocado Import Program .....	0579-AB27
111	Interstate Movement of Swine Within a Production System .....	0579-AB28
112	Black Stem Rust; Identification Requirements and Addition of Rust-Resistant Varieties <b>(Completion of a Section 610 Review)</b> .....	0579-AB33

Animal and Plant Health Inspection Service—Discontinued Entries

Regulation Identification Number	Title	Date With-drawn	Comments
0579-AB09	Aquaculture; Farm-Raised Fin Fish	03/12/2002	Withdrawn
0579-AB16	Importation of Beef From Brazil	02/22/2002	Withdrawn
0579-AB32	Standards for Permanent, Privately Owned Horse Quarantine Facilities	03/12/2002	Withdrawn

Cooperative State Research, Education, and Extension Service—Discontinued Entries

Regulation Identification Number	Title	Date With-drawn	Comments
0524-AA09	Higher Education Multicultural Scholars Program; Administrative Provisions	03/22/2002	Withdrawn
0524-AA17	Hispanic-Serving Institutions Education Grants Program Administrative Provisions	03/22/2002	Withdrawn
0524-AA19	Community Food Projects Administrative Provisions	03/22/2002	Withdrawn
0524-AA20	Small Business Innovation Research Program Administrative Provisions	03/22/2002	Withdrawn
0524-AA21	Biotechnology Risk Assessment Research Grants Program Administrative Provisions	03/22/2002	Withdrawn
0524-AA22	National Research Initiative Competitive Grants Program Administrative Provisions	03/22/2002	Withdrawn

Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
113	Civil Rights Compliance Requirements—1901-E to 1940-D .....	0575-AA83
114	National Flood Insurance Regulations .....	0575-AC07
115	Servicing Community Programs Loans and Grants .....	0575-AC12
116	Multi-Family Housing .....	0575-AC13
117	Self-Help Technical Assistance Grants .....	0575-AC20
118	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations .....	0575-AC27
119	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation .....	0575-AC28

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
120	Environmental Program .....	0575-AB98
121	Direct Section 502 and 504 Single-Family Housing Program .....	0575-AB99
122	Guaranteed Single-Family Housing .....	0575-AC18
123	Operating Assistance for Migrant Farmworker Projects .....	0575-AC24
124	Technical Assistance To Encourage the Development of Domestic and Migrant Farm Labor Housing .....	0575-AC25

## USDA

## Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
125	Guaranteed Rural Rental Housing, Section 538 Statutory Changes .....	0575-AC26

## Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
126	General Administrative Regulations; Subpart D; Application for Crop Insurance .....	0563-AB00
127	General Administrative Regulations; Movement of Business Among Insurance Providers .....	0563-AB71
128	General Administrative Regulations; Sanctions .....	0563-AB73
129	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions .....	0563-AB76
130	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions .....	0563-AB80
131	General Administrative Regulations; Actual Production History .....	0563-AB83
132	Common Crop Insurance Regulations; Basic Provisions and General Administrative Regulations, Subpart T, Regulations for Implementation .....	0563-AB85
133	General Administrative Regulations; Subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years .....	0563-AB86

## Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
134	Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Winter Coverage Endorsement .....	0563-AB63
135	General Administrative Regulations; Nonstandard Underwriting Classification System .....	0563-AB66
136	General Administrative Regulations; Premium Reductions; Payments of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities .....	0563-AB70
137	Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; Basic Provisions .....	0563-AB81
138	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums .....	0563-AB84

## Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identification Number
139	Common Crop Insurance Regulations; Millet Crop Insurance Provisions .....	0563-AB79

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

Sequence Number	Title	Regulation Identification Number
140	Review Inspection Requirements .....	0580-AA58
141	Livestock Purchase or Sale: Prohibit Non-Reporting of Price .....	0580-AA65
142	Exceptions to Geographic Areas for Official Agencies Under the USGSA .....	0580-AA76
143	Prohibition on Disguising Grain Quality .....	0580-AA77
144	Laboratory Proficiency Program .....	0580-AA78
145	Fees for Official Inspection and Official Weighing Services .....	0580-AA80

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**Grain Inspection, Packers and Stockyards Administration—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
146	Tolerances for Dividers .....	0580-AA57
147	Swine Packer Marketing Contracts .....	0580-AA71

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

Sequence Number	Title	Regulation Identification Number
148	Fees for Official Inspection and Weighting Service .....	0580-AA79

**Grain Inspection, Packers and Stockyards Administration—Discontinued Entries**

Regulation Identification Number	Title	Date With-drawn	Comments
0580-AA51	Poultry Grower Contracts	03/08/2002	Withdrawn
0580-AA72	Packer Recordkeeping Requirements	03/08/2002	Withdrawn
0580-AA73	How Can USDA Best Facilitate the Marketing of Grains, Oilseeds, Fruits, Vegetables, and Nuts in Today's Marketplace	04/24/2002	Withdrawn

**Food and Nutrition Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
149	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....	0584-AB10
150	Intentional Program Violation Reporting and Computer Matching Requirements That Affect the Food Stamp Program .....	0584-AB51
151	FSP: Civil Rights Data Collections .....	0584-AC75
152	Commodity Supplemental Food Program: Plain Language, Program Accountability, and Program Flexibility .....	0584-AC84
153	Food Stamp Program: Administrative Cost Reimbursement .....	0584-AC86
154	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages .....	0584-AC90
155	Improving Access to the Food Stamp Program for Persons With Limited English Proficiency .....	0584-AD06
156	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....	0584-AD12
157	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387 .....	0584-AD13
158	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....	0584-AD15
159	Food Stamp Program: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores .....	0584-AD18
160	Expanded Verification of Eligibility Summary Requirements .....	0584-AD20
161	Food Stamp Program: Simplification and State Flexibility .....	0584-AD22
162	Food Stamp Program: Administrative Review Requirements—Food Retailers/Wholesalers .....	0584-AD23

**Food and Nutrition Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
163	WIC: Requirements for and Evaluation of WIC Program Requests for Bids for Infant Formula Rebate Contracts .....	0584-AB52
164	Food Stamp Program: Anticipating Income and Reporting Changes .....	0584-AB57
165	Child and Adult Care Food Program: Improving Management and Program Integrity .....	0584-AC24
166	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....	0584-AC37



## USDA

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

Sequence Number	Title	Regulation Identification Number
167	Food Stamp Program: Work Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Food Stamp Provisions of the Balanced Budget Act of 1997 .....	0584-AC45
168	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....	0584-AC72
169	FSP: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability .....	0584-AC91
170	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94
171	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....	0584-AC95
172	Implementation of Poultry Substitution Pilot as Permanent and Modification of Commodity Recordkeeping Requirements .....	0584-AD08
173	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments .....	0584-AD16
174	National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program—Amendments to the Infant Meal Pattern .....	0584-AD26

## Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
175	State Administrative Expense Funds: Plain Language Rewrite .....	0584-AC96
176	Special Milk Program for Children: Plain Language Revision and Reorganization .....	0584-AC97
177	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 250, Donation of Foods for Use in the United States, Its Territories and Possessions, and Areas Under Its Jurisdiction .....	0584-AC98
178	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 251, The Emergency Food Assistance Program (TEFAP) .....	0584-AC99
179	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 252, The National Commodity Processing Program (NCP) .....	0584-AD00
180	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 253, the Food Distribution Program on Indian Reservations (FDPIR) .....	0584-AD01
181	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 254, the Food Distribution Program on Indian Reservations (FDPIR) in Oklahoma .....	0584-AD02
182	Nutrition Education and Training Program: Plain Language Rewrite of 7 CFR Part 227 .....	0584-AD03
183	State Agency Liabilities and Federal Sanctions .....	0584-AD04
184	Payments of Certain Administrative Costs of State Agencies .....	0584-AD05
185	School Breakfast Program: Plain Language Revision and Reorganization .....	0584-AD10
186	WIC: Plain Language Rewrite of 7 CFR Part 248, Farmers' Market Nutrition Program .....	0584-AD11
187	CNP: Plain Language Rewrite of 7 CFR Part 225, Summer Food Service Program .....	0584-AD17

## Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
188	Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools: Provision 2 and Provision 3 ....	0584-AC25

## Food and Nutrition Service—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0584-AC68	WIC Farmers Market Nutrition Program (FMNP): Expansion Funds Allocation Formula	03/05/2002	Withdrawn--Future of FMNP funding is uncertain.
0584-AC79	Food Distribution Program: Deletion of Requirement To Evaluate State-Run Commodity Distribution and Warehousing Systems Every 3 Years	03/07/2002	Withdrawn--Regulatory change not required.

## USDA

## Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
189	Poultry Inspection: Revision of Finished Product Standards With Respect to Ingesta .....	0583-AC77
190	Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used (Section 610 Review) .....	0583-AC90

## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
191	Grant and Inauguration of Inspection .....	0583-AC07
192	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry .....	0583-AC43
193	Requirements for Disposition and Disposal of Inspected Raw Meat and Poultry Products .....	0583-AC44
194	Performance Standards for Bacon .....	0583-AC49
195	Egg and Egg Products Inspection Regulations .....	0583-AC58
196	Labeling—Generic Approval and Regulation Consolidation .....	0583-AC59
197	Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems; Additions to Generic E. Coli Criteria .....	0583-AC63
198	Food Standards; Guiding Principles and Food Standards Modernization .....	0583-AC72
199	Petitions for Rulemaking .....	0583-AC81
200	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
201	Elimination of Chilling Time and Temperature Requirements for Ready-To-Cook Poultry (Section 610 Review) .....	0583-AC87

## Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
202	Beef or Pork With Barbecue Sauce; Revision of Standards .....	0583-AC09
203	Performance Standards for Ready-To-Eat Meat and Poultry Products .....	0583-AC46
204	Meat Produced by Advanced Meat/Bone Separation Machinery and Recovery Systems .....	0583-AC51
205	Incorporation of Food and Color Additives Into 21 CFR .....	0583-AC69
206	Performance Standards for On-line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
207	Sharing Recall Distribution Lists With State and Other Federal Government Agencies .....	0583-AC75
208	Agency Organization .....	0583-AC78
209	Food Standards: Requirements for Substantive Standardized Meat and Poultry Products Named by Use of an Ex- pressed Nutrient Content Claim and a Standardized Term .....	0583-AC82

## Food Safety and Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
210	Transportation, Storage, and Other Handling of Potentially Hazardous Foods .....	0583-AC05
211	Reworking of Meat and Poultry Carcasses Accidentally Contaminated During Evisceration .....	0583-AC53
212	Reform of Regulations on Imported Meat and Poultry Products .....	0583-AC56
213	Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products .....	0583-AC60
214	Food Labeling; Nutrient Content Claims, Definition of the Term Healthy .....	0583-AC65
215	Elimination of Requirements for Total Quality Control Systems .....	0583-AC68
216	Emergency Regulations To Prevent Meat Food and Meat Products That May Contain the BSE Agent From Enter- ing Commerce .....	0583-AC88

## USDA

## Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
217	Labeling of Natural or Regenerated Collagen Sausage Casings .....	0583-AC80
218	Mandatory Inspection of Ratites and Squabs .....	0583-AC84
219	Increases in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Year (FY) 2002 .....	0583-AC89

## Foreign Agricultural Service—Proposed Rule Stage

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

## Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
221	Program To Assist U.S. Producers in Developing Domestic Markets for Value-Added Wheat Gluten and Wheat Starch Products .....	0551-AA60
222	Freedom of Information Act (FOIA) Regulations for the Foreign Agricultural Service .....	0551-AA61

## Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
223	CCC Supplier Credit Guarantee Program .....	0551-AA30
224	Facility Guarantee Program .....	0551-AA35

## Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
225	Hydropower Applications .....	0596-AA47
226	Small Tracts Act Regulations .....	0596-AA79
227	Species Surplus to Domestic Manufacturing Needs .....	0596-AB27
228	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Other Timber .....	0596-AB48
229	Law Enforcement Support Activities .....	0596-AB61
230	Noncompetitive Sale of Timber .....	0596-AB70
231	Land Uses; Special Uses Requiring Authorizations .....	0596-AB74
232	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....	0596-AB75
233	Use of Fixed Anchors in Wilderness .....	0596-AB80
234	Special Forest Products and Forest Botanical Products .....	0596-AB81
235	Determining Fair Market Value for Recreation Residence Use Authorizations .....	0596-AB83
236	National Forest System Land and Resource Management Planning .....	0596-AB86
237	National Environmental Policy Act Documentation for Certain Small Administrative Timber Sales on National Forest System Lands and Research Projects (Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB88
238	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities .....	0596-AB89
239	Special Uses and General Prohibitions: Paleontological Resources .....	0596-AB91
240	Forest Service Trails Accessibility Guidelines .....	0596-AB92
241	Forest Service Outdoor Recreation Accessibility Guidelines .....	0596-AB93

**USDA**

**Forest Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
242	Indian Allotments on National Forest System Lands .....	0596-AA52
243	Disposal of National Forest Timber; Cancellation of Timber Sale Contracts .....	0596-AB21
244	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations .....	0596-AB36
245	Preference for Visitor Service; Alaska National Forest Conservation System Units .....	0596-AB57
246	Categorical Exclusion for Certain Special Uses Permit Actions (FSH 1909.15, Chapter 30) .....	0596-AB73
247	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline .....	0596-AB87

**Forest Service—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
248	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....	0596-AB45
249	Revisions to Road Management Policy (Forest Service Manual Chapter 7710) .....	0596-AB90

**Forest Service—Discontinued Entries**

Regulation Identification Number	Title	Date Withdrawn	Comments
0596-AB85	Inventoried Roadless Areas	03/08/2002	Withdrawn

**Office of Chief Financial Officer—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
250	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) .....	0505-AA11

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

Sequence Number	Title	Regulation Identification Number
251	General Nonprocurement Regulations .....	0503-AA21

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

Sequence Number	Title	Regulation Identification Number
252	Outreach and Assistance for Disadvantaged Farmers and Ranchers .....	0503-AA22

**Office of the Secretary—Completed Actions**

Sequence Number	Title	Regulation Identification Number
253	Designation of Rural Empowerment Zones and Enterprise Communities .....	0503-AA20

## USDA

## Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
254	Business and Industrial Guaranteed Loan Program—Miscellaneous Changes .....	0570-AA23
255	Affirmative Fair Housing Marketing Plan .....	0570-AA24
256	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock .....	0570-AA26
257	Rural Business Enterprise Grant Program .....	0570-AA28
258	Annual Renewal Fee .....	0570-AA34

## Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
259	Rural Economic Development Loan and Grant Program .....	0570-AA19
260	Allocation Formulas .....	0570-AA30
261	Business and Industry Guaranteed Loan Program—Domestic Lamb Industry Adjustment Assistance Program Set-Aside .....	0570-AA31
262	The Rural Business Enterprise Grants and Television Demonstration Grants—Small/Emerging Private Business Enterprise .....	0570-AA32

## Rural Business-Cooperative Service—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0570-AA33	Intermediary Relending Program Participation Agreements	03/13/2002	Withdrawn

## Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
263	Telecommunications Standards and Specifications for Materials, Equipment, and Construction .....	0572-AB40
264	Servicing of Water Programs Loans and Grants .....	0572-AB59
265	Electric Program Standard Contract Forms .....	0572-AB67
266	Exemptions of RUS Operational Controls Under Section 306E of the RE Act .....	0572-AB68
267	Environmental Policies and Procedures .....	0572-AB73
268	Technical Assistance Grants .....	0572-AB75
269	Special Equipment Contract (Not Including Installation), RUS Form 398 .....	0572-AB76
270	Accounting Requirements for RUS Telecommunications Borrowers .....	0572-AB77
271	Extensions of Payments of Principal and Interest .....	0572-AB79
272	Useful Life of Facility Determination .....	0572-AB80

## Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
273	Settlement of Debt .....	0572-AB61
274	Mergers and Consolidations of Electric Borrowers .....	0572-AB63
275	Demand Side Management and Renewable Energy Systems .....	0572-AB65
276	Telecommunications Program Specification .....	0572-AB69
277	General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans .....	0572-AB72
278	Seismic Safety .....	0572-AB74
279	Record Retention Requirements for RUS Electric and Telecommunications Borrowers .....	0572-AB78

## USDA

## Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
280	Extensions of Payments of Principal and Interest .....	0572-AB60
281	Distance Learning and Telemedicine Loan and Grant Program .....	0572-AB70
282	Treasury Rate Loan Program .....	0572-AB71

## Rural Utilities Service—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0572-AB38	RUS Approval of Additions and Extensions to Electric Plants	02/27/2002	Withdrawn
0572-AB55	The "Buy American" Requirement	03/07/2002	Withdrawn

## Natural Resources Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
283	Wetland Categorical Minimal Effects Exemptions .....	0578-AA27
284	Emergency Watershed Protection Program .....	0578-AA30

## Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
285	Conservation of Private Grazing Land .....	0578-AA29

## Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
286	Highly Erodible Land and Wetland Conservation .....	0578-AA17
287	Forestry Incentives Program .....	0578-AA26

## Office of Procurement and Property Management—Final Rule Stage

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

## Office of Procurement and Property Management—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0599-AA03	New Restrictions on Lobbying	03/22/2002	Withdrawn

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

Prerule Stage

**1. COTTON FUTURES ACT:  
 CHANGING THE DESTINATION OF  
 SPOT MARKETS (CN-01-004)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 156; PL 94-455, 90 Stat. 1841-1846; PL 102-287, Stat. 1844

**CFR Citation:** 7 CFR 27

**Legal Deadline:** None

**Abstract:** The U.S. Cotton Futures Act authorizes the Secretary of Agriculture to determine the five most appropriate spot cotton markets to designate for

settlement of cotton futures contracts. Regional changes in current commercial sales of cotton makes it necessary to change the designation of spot market to more accurately reflect the commercial market prices and qualities of cotton for use in determining settlement differences for cotton traded on the cotton exchange.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 0581-AC00

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

Proposed Rule Stage

**2. NATIONAL LABORATORY  
 ACCREDITATION PROGRAM**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 7 USC 138 to 138i

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Food, Agriculture, Conservation, and Trade Act of 1990 (the FACT Act) authorized the establishment of the National Laboratory Accreditation Program (NLAP). The NLAP is a voluntary, fee-for-service program for accrediting laboratories that analyze for the presence of pesticide residues in agricultural products. The regulations will ensure that laboratories which request accreditation and conduct residue testing of fresh fruits and vegetables for at least one of four classes of pesticides, or make claims to the public or buyers concerning the residue levels, meet certain standards.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/20/92	57 FR 54727
ANPRM Comment Period End	01/19/93	
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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Marketing Service, Room 3523-South, Technical Services Branch, P.O. Box 96456, Room 3523-south, Washington, DC 20090-6456

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**RIN:** 0581-AB42

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 53

**Legal Deadline:** None

**Abstract:** The purpose of this action is to amend the rate and procedures used to charge applicants for Federal grading and certification of livestock inspected for deliveries on commodity futures contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John E. VanDyke, Branch Chief, Department of Agriculture, Agricultural Marketing Service, Room 2619-South, L&S, 14th & Independence Avenue SW, Washington, DC 20250

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**RIN:** 0581-AB66

**4. DISCONTINUE THE OFFICIAL  
 GRADING OF IMPORTED BEEF,  
 LAMB, VEAL, AND CALF CARCASSES  
 UNDER THE AUTHORITY OF THE  
 AGRICULTURAL MARKETING ACT OF  
 1946**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 54

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) proposes to discontinue the official grading of imported beef, lamb, veal, and calf carcasses. Current regulations, promulgated under the Agricultural Marketing Act of 1946, permit the official grading of imported beef, lamb, veal, and calf carcasses provided the carcasses are in compliance with all requirements of the standards and regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/01/00	65 FR 4780
ANPRM Comment Period End	04/03/00	
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

USDA—AMS

Proposed Rule Stage

**Agency Contact:** Martin E. O'Connor, Assistant Chief, Department of Agriculture, Agricultural Marketing Service, P.O. Box 96456, Washington, DC 20250-6456  
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**RIN:** 0581-AB90

**5. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICE OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS (DA-00-08)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 58

**Legal Deadline:** None

**Abstract:** These regulations have not been updated since December 1, 1976. The proposal will establish a revision of the existing regulations to strengthen program integrity, to update the regulations to accurately reflect inspection and grading services available, and to clarify the meaning of the regulation provisions. The proposed changes are not expected to have any major impact on program participants as most participants are operating in a manner that is consistent with the proposed changes.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	10/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Duane R. Spomer, Associate Deputy Administrator for Standards and Grading, Department of Agriculture, Agricultural Marketing Service, Rm. 2746-South, Dairy Programs, P.O. Box 96456, Washington, DC 20090-6456  
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**RIN:** 0581-AB93

**6. NATIONAL ORGANIC PROGRAM: ADD STANDARDS FOR MUSHROOM, APICULTURE, GREENHOUSE AND HYDROPONIC PRODUCTION SYSTEMS AND THE HANDLING OF HONEY (TM-01-09)**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

**Abstract:** AMS is proposing to revise the regulatory provisions for labeling agricultural products as organically produced and handled (7 CFR part 205). AMS will propose production standards for mushroom, apiculture, and greenhouse production systems and handling standards for apiculture products. The proposed standards will incorporate the recommendations of the National Organic Standards Board (NOSB) finalized at its October 2001 meeting. In June 2001, the NOSB released and accepted public comment on a draft version of mushroom and greenhouse standards. Concurrently, the NOSB implemented a task force to develop production and handling standards for apiculture.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

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

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

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

**Agency Contact:** Richard H. Mathews, Acting Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AB96

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Governmental Jurisdictions

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

**Agency Contact:** Richard H. Mathews, Acting Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510-South, 14th & Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AB97



## USDA—AMS

## Proposed Rule Stage

**8. LIVESTOCK MANDATORY REPORTING PROGRAM—LAMB AMENDMENT (LS-01-08)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621**CFR Citation:** 7 CFR 59**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is amending the Livestock Reporting Act of 1999 regulations. The amendments would: (1) Amend regulations requiring lamb packers to report negotiated purchases of live lamb and sales of carcass lamb; (2) adjust requirements for reporting of imported and domestic boxed lamb sales; and (3) make adjustments to input data collection forms. The Act was implemented April 2, 2001, and requires packers to report purchase and sales transactions for cattle, swine, sheep, boxed beef, and lamb meat.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** John Edward Van Dyke, Chief, Livestock and Grain Market News Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0252, Room 2619-South, Washington, DC 20250  
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Email: john.vandyke@usda.gov

**RIN:** 0581-AB98**9. REVISION OF USER FEES FOR 2002 CROP COTTON CLASSIFICATION SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 473a**CFR Citation:** 7 CFR 28**Legal Deadline:** Final, Statutory, June 2001.

**Abstract:** This action would increase the user fees for cotton producers for the 2002 crop cotton classification services under the Cotton Statistics and Estimates Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Norma Randall McDill, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Room 2641-South, Washington, DC 20250  
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**RIN:** 0581-AC04**10. MANGO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-707)****Priority:** Routine and Frequent**Legal Authority:** 7 USC 7411 through 7425**CFR Citation:** 7 CFR 1206**Legal Deadline:** None

**Abstract:** This action would establish a Mango Promotion, Research, and Information Order. The purpose of the new program would be to increase consumption of mangos in the United States. The program would be administered by the National Mango Promotion Board under the supervision of the Agricultural Marketing Service.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

**Agency Contact:** Kathie Birdsell, Research and Promotion Branch, Department of Agriculture, Agricultural Marketing Service, Room 2535-South, Stop 0244, Fruit and Vegetable Program, 14th and Independence Avenue SW, Washington, DC 20250-0244  
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**RIN:** 0581-AC05**11. ESTABLISHING A LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER (LS-01-12)****Priority:** Other Significant**Legal Authority:** 7 USC 7401 through 7425**CFR Citation:** 7 CFR 1280**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is planning to issue a final rule establishing an industry-funded promotion, research, and information program for lamb and lamb products including pelts but excluding wool and wool products. On September 21, 2001, AMS published the proposed Order for comment (66 FR 48764). The comment period ended November 20, 2001. AMS received 242 comments in a timely manner, the bulk of which were submitted by individual lamb producers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

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

**Agency Contact:** Marlene M. Betts, Acting Chief, Marketing Programs Branch, Department of Agriculture, Agricultural Marketing Service, 0251 — Room 2627-South, 1400 Independence Avenue SW, Washington, DC 20250-0251  
Phone: 202 720-1111

**RIN:** 0581-AC06**12. ESTABLISHING FEES FOR VOLUNTARY QUALITY SYSTEMS CERTIFICATION SERVICES (LS-00-13)****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This proposed action is necessary to ensure that voluntary Quality Systems Certification Program (QSCP) services provided by the Agricultural Marketing Service's Meat Grading and Certification Branch remain financially self-sufficient and viable. The QSCP is a voluntary, audit-based program developed at the request of the industry and others to provide a means of verifying value-adding

## USDA—AMS

## Proposed Rule Stage

processes in the production and processing of agricultural products.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	
Final Action	04/00/03	

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

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, Stop

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**RIN:** 0581-AC08

## Department of Agriculture (USDA)

## Final Rule Stage

## Agricultural Marketing Service (AMS)

**13. GENERAL SPECIFICATIONS FOR DAIRY PLANTS APPROVED FOR USDA INSPECTION AND GRADING****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621 to 1627**CFR Citation:** 7 CFR 58**Legal Deadline:** None

**Abstract:** The final rule would: (1) Lower the maximum allowable bacterial estimate for manufacturing-grade producer milk from 1,000,000 per milliliter to 500,000 per milliliter; (2) lower the maximum allowable somatic cell count from 1,000,000 to 750,000 cells per milliliter; (3) lower the maximum permitted bacterial estimate in commingled milk from 3,000,000 per milliliter to 1,000,000 per milliliter; (4) modify the follow-up procedures when producer herd milk exceeds the maximum allowable bacterial estimate; (5) delete the laboratory screening test for somatic cells in producer-held milk samples (no change for goat milk); and (6) make editorial changes where necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/01	66 FR 42458

Action	Date	FR Cite
NPRM Comment Period End	10/12/01	
Final Action	06/00/02	

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

**Agency Contact:** Duane R. Spomer, Associate Deputy Administrator for Standards and Grading, Department of Agriculture, Agricultural Marketing Service, Rm. 2746-South, Dairy Programs, P.O. Box 96456, Washington, DC 20090-6456  
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**RIN:** 0581-AB59**14. HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-705)****Priority:** Other Significant**Legal Authority:** 7 USC 7801 to 7813**CFR Citation:** 7 CFR 1219**Legal Deadline:** None

**Abstract:** Under the Hass Avocado Promotion, Research, and Information Order, Hass avocado producers and importers will pay an assessment of 2.5 cents per pound on Hass avocados produced and imported into the U.S. The funds will be used by the Hass Avocado Board to increase demand for Hass avocados in the U.S.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/01	66 FR 36869
NPRM Comment Period End	08/27/01	
Final Action	05/00/02	

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

**Agency Contact:** Margaret B. Irby, Assistant Branch Chief, Department of Agriculture, Agricultural Marketing Service, Stop 0244, Fruit & Vegetable Programs, 14th & Independence Avenue SW, Washington, DC 20250-0244  
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**RIN:** 0581-AB92

## Department of Agriculture (USDA)

## Completed Actions

## Agricultural Marketing Service (AMS)

**15. INCREASE IN FEES FOR VOLUNTARY FEDERAL SEED TESTING AND CERTIFICATION SERVICES AND ESTABLISHMENT OF A FEE FOR PRELIMINARY TEST REPORTS (LS-01-07)****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 75**Completed:**

Reason	Date	FR Cite
NPRM	10/23/01	66 FR 53550
Final Action	03/14/02	67 FR 11383
Final Action Effective	04/15/02	

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

**Agency Contact:** Richard C. Payne  
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**RIN:** 0581-AB95**16. INCREASE IN FEES AND CHARGES FOR EGGS, POULTRY, AND RABBIT (PY-01-005)****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 56; 7 CFR 70

## USDA—AMS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	12/27/01	66 FR 66712
Final Action Effective	01/01/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Rex A. Barnes

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RIN: 0581-AB99

**17. REGULATIONS GOVERNING THE CALIFORNIA PRUNE/PLUM (TREE REMOVAL) DIVERSION PROGRAM, 2001-2002 CROP YEAR (FV-01-81-01)**

Priority: Other Significant

CFR Citation: 7 CFR 81

**Completed:**

Reason	Date	FR Cite
NPRM	12/17/01	66 FR 64918
Final Action	03/14/02	67 FR 11384
Final Action Effective	01/01/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0581-AC03

**18. FRESH RUSSET POTATO DIVERSION PROGRAM, 2000 CROP (FV-01-80-01)**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 80

**Completed:**

Reason	Date	FR Cite
Final Action	11/21/01	66 FR 58349
Final Action Effective	11/22/01	

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: None

**Agency Contact:** Susan Proden

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RIN: 0581-AC07

BILLING CODE 3410-02-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Farm Service Agency (FSA)

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

Priority: Other Significant

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

CFR Citation: 7 CFR 7; 7 CFR 18

Legal Deadline: None

**Abstract:** The Farm Service Agency's (FSA's) direct farm loan programs are still using the regulations and handbooks from the former Farmers Home Administration, and still share many of its regulations, forms, and handbooks with the Rural Housing Service, Rural Utilities Service, and the Rural Business-Cooperative Service. This is very cumbersome and confusing to both Agency employees and the general public. This action will move all the direct farm loan program regulations from 7 CFR chapter 18 to 7 CFR chapter 7 and will allow FSA the opportunity to rewrite and re-engineer its direct farm loan program regulations. This action also consolidates a number of actions that were previously included in the regulatory agenda under separate RINs: 0560-AE04, 0560-AE07, 0560-AE09, 0560-AE11, 0560-AE13, 0560-AE14, 0560-AE15, 0560-AE37, 0560-AE87, 0560-AE88, 0560-AE90, 0560-AE98, and 0560-AE99.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Room 6734-S, Washington, DC 20250

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Fax: 202 720-5233

Email: tom\_witzig@wdc.fsa.usda.gov

RIN: 0560-AF60

**20. INTEREST ASSISTANCE PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: Consolidated Farm and Rural Development Act (CONACT)

CFR Citation: 7 CFR 762

Legal Deadline: None

**Abstract:** The Consolidated Farm and Rural Development Act authorizes the Farm Service Agency to establish and carry out an interest rate reduction program, which provides an interest subsidy for guaranteed loans. The existing Interest Assistance Program is

cumbersome and administratively expensive for lenders, discouraging many of them from participation. The lenders that do participate use it extensively for many of their clients, resulting in an unbalanced and regional use of the program, and not always for those producers most in need of the assistance.

Our proposal is to reduce administrative burden for the lender, with the elimination of the annual needs test, to encourage non-participating lenders to utilize the program. We also propose to reduce the number of years that a producer can receive an interest subsidy and revise the way this is determined. This reduced term will target the program to addressing short-term cash flow problems, and discourage use of the program for major expansion, capital improvements or other longer term purposes.

There will be no change in program funding. However, some allocated funds will be redirected to reach producers more in need of assistance.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

## USDA—FSA

## Proposed Rule Stage

**Government Levels Affected:** None  
**Agency Contact:** Tom Witzig, Chief,  
 Regulatory Review and Foreign  
 Investment Disclosure Branch,

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 Service Agency, 1400 Independence  
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**RIN:** 0560-AG46

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

## Final Rule Stage

**21. NONINSURED CROP DISASTER  
 ASSISTANCE PROGRAM  
 REGULATIONS FOR THE 2001 AND  
 SUCCEEDING CROP YEARS**

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

**Legal Authority:** PL 106-224

**CFR Citation:** 7 CFR 1437

**Legal Deadline:** None

**Abstract:** This rule implements provisions of the Agricultural Risk Protection Act of 2000 amending the NAP regulations to eliminate the area loss requirement, implement an administrative service fee, and require producers to apply for assistance not later than 30 days before the beginning of the coverage period. The expected cost is about \$100 million per year over the next 4 years.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/19/02	67 FR 12446
Interim Final Rule Comment Period End	04/19/02	
Final Action	08/00/02	

**Regulatory Flexibility Analysis  
 Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief,  
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 Investment Disclosure Branch,  
 Department of Agriculture, Farm  
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**RIN:** 0560-AG20

**22. • LIMITATIONS ON AMOUNT OF  
 GUARANTEED FARM OWNERSHIP  
 AND OPERATING LOANS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; PL 105-  
 277; 7 USC 1989

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

**Legal Deadline:** None

**Abstract:** This rule will remove the specific dollar amount of guaranteed loan limits from FSA regulations. Regulations will be revised to state that

the loan limits are modified each fiscal year based on the percentage change in the Prices Paid by Farmers Index (as determined annually by USDA, NASS) and that the maximum loan amount, percentage change in the index and the effective date of the limits will be available at all USDA Service Centers.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/02	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Mr. Phillip Elder,  
 Agricultural Economist, Department of  
 Agriculture, Farm Service Agency, MS  
 0572, 1400 Independence Avenue SW,  
 Washington, DC 20250

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**RIN:** 0560-AG64

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

## Long-Term Actions

**23. MEDIATION; AGRICULTURAL  
 LOAN MEDIATION PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1946 subpart A

**Timetable:**

Action	Date	FR Cite
NPRM	11/09/99	64 FR 61034
NPRM Comment Period End	01/10/00	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis  
 Required:** Undetermined

**Government Levels Affected:** State

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**RIN:** 0560-AE26

**24. AMENDMENTS TO THE  
 STANDARDS FOR APPROVAL OF  
 WAREHOUSE FOR COMMODITY  
 CREDIT CORPORATION STORAGE  
 CONTRACTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1421; 7 CFR 1423;  
 7 CFR 1427

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis  
 Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

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**RIN:** 0560-AE50

**25. DELETION OF FSA REGULATIONS  
 REGARDING COLORADO RIVER  
 BASIN SALINITY CONTROL  
 PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 702; 7 CFR 703;  
 7 CFR 752

## USDA—FSA

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AE54

**26. AMENDMENTS TO THE DEBT SETTLEMENT POLICIES AND PROCEDURES TO CONFORM TO THE DEBT COLLECTION IMPROVEMENT ACT OF 1996****Priority:** Other Significant**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AF22

**27. AMENDMENT TO THE FARM RECONSTITUTION REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 718**Timetable:**

Action	Date	FR Cite
NPRM	02/04/00	65 FR 5444
NPRM Comment Period End	03/06/00	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AF36

**28. LOW DOCUMENTATION LOAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1910; 7 CFR 1941**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/09/01	66 FR 1570
Interim Final Rule Effective	01/09/01	
Interim Final Rule Comment Period End	03/12/01	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AF71

**29. AMENDMENTS TO THE CONSERVATION RESERVE PROGRAM REGULATIONS REGARDING LAND ELIGIBILITY****Priority:** Other Significant**CFR Citation:** 7 CFR 1410**Timetable:**

Action	Date	FR Cite
NPRM	12/06/01	66 FR 63339
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AF77

**30. DESIGNATION OF NON-AUCTION TOBACCO****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1464**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AG07

**31. AGRICULTURAL DISASTER AND MARKET ASSISTANCE****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1411; 7 CFR 1427; 7 CFR 1439; 7 CFR 1464; 7 CFR 1478**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/00	65 FR 36550
Interim Final Rule Comment Period End	07/10/00	
Correction	08/01/00	65 FR 47840
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AG14

**32. EMERGENCY CONSERVATION PROGRAM****Priority:** Other Significant**CFR Citation:** 7 CFR 701**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AG26

**33. CONSERVATION OF FARMABLE WETLANDS****Priority:** Other Significant**CFR Citation:** 7 CFR 1410**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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RIN: 0560-AG38

## USDA—FSA

## Long-Term Actions

**34. TOBACCO LOSS ASSISTANCE PROGRAM AND AMENDMENTS TO THE TOBACCO MARKETING QUOTA REGULATIONS**

Priority: Other Significant

CFR Citation: 7 CFR 1464

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG40

**35. COLLECTION OF APPRAISAL FEES FOR FARM LOAN PROGRAMS, INSURED LOANS**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 761; 7 CFR 1910; 7 CFR 1927; 7 CFR 1941; 7 CFR 1945;

...

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG42

**36. COLLECTING GUARANTEED LOSS PAYMENTS FROM FSA FARM LOAN PROGRAM BORROWERS**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 762

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG44

**37. IMPLEMENTATION OF THE U.S. WAREHOUSE ACT OF 2000**

Priority: Other Significant

CFR Citation: 7 CFR 735 to 742

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/01	66 FR 46310
NPRM Comment	10/04/01	
Period End		
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG45

**38. NON-RECOURSE COTTON LOAN AND LOAN DEFICIENCY PAYMENT PROGRAMS; UPLAND COTTON FIRST HANDLER MARKETING CERTIFICATE PROGRAM; AND SEED COTTON RECOURSE LOAN PROGRAM**

Priority: Other Significant

CFR Citation: 7 CFR 1427

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG47

**39. OCEAN FREIGHT CLAIMS ADMINISTRATIVE APPEAL PROCESS**

Priority: Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG49

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1951

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0560-AG50

**41. TOBACCO MARKETING QUOTAS, CARDS, PENALTY PROVISIONS, RECORDKEEPING AND REPORTING**

Priority: Other Significant

CFR Citation: 7 CFR 723

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

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RIN: 0560-AG52

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 762

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

## USDA—FSA

## Long-Term Actions

**Government Levels Affected:** None**Agency Contact:** Tom Witzig

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**RIN:** 0560-AG53**43. GENERAL REGULATIONS GOVERNING COMMODITY LOANS FOR 1998 AND SUBSEQUENT CROPS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1421**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

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

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**RIN:** 0560-AG54**44. AMENDMENT TO THE REGULATIONS FOR DETERMINING ACREAGE FOR SKIP-ROW COTTON****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 718.107**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

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**RIN:** 0560-AG55**45. PROMPT DISASTER SET-ASIDE CONSIDERATION AND PRIMARY LOAN SERVICING****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1951**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

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

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**RIN:** 0560-AG56**46. 2002-CROP PEANUTS NATIONAL POUNDAGE QUOTA FOR QUOTA PEANUTS****Priority:** Other Significant**CFR Citation:** 7 CFR 729; 7 CFR 1421; 7 CFR 1446**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

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

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**RIN:** 0560-AG57**47. 2002-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

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

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**RIN:** 0560-AG58**48. 2002-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

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

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**RIN:** 0560-AG59**49. 2002-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

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

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**RIN:** 0560-AG60**50. • HORSE BREEDER LOANS****Priority:** Other Significant**Legal Authority:** PL 107-76; 5 USC 301; 7 USC 1981**CFR Citation:** 7 CFR 764 and 775**Legal Deadline:** Other, Statutory, September 30, 2002, Deadline for loan applications.

Final, Statutory, September 30, 2003, Expiration of Authority to Make Loans.

**Abstract:** Section 759(c) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2002, [Pub. L. 107-76], (2002 Appropriations Act) requires the Secretary to provide loans to eligible horse breeders for losses caused by mare reproductive loss syndrome (MRLS). To be eligible (1) the farmer must derive over 70 percent of his income from breeding, boarding, training, or selling horses, (2) the losses must have occurred during a specific period of time when at least 30% of the mares owned, or boarded on a farm owned, operated, or leased by the breeder failed to produce a live healthy foal, (3) the breeder must be unable to meet the financial obligations of the operation without the loan, and (4) the breeder must not be able to obtain the necessary credit elsewhere. Loan amounts will be based on the loss

## USDA—FSA

## Long-Term Actions

suffered, the financial needs of the horse breeder, and cannot exceed \$500,000. The maximum loan term is 20 years and the interest rate is equal to that of other Agency Emergency loans (EM). The objective is to offset income loss and reduction in credit availability faced by horse breeders caused by MRLS.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined
Final Action Effective	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Sectors Affected:** 112 Animal Production

**Agency Contact:** Cathy Quayle, Loan Officer, Department of Agriculture, Farm Service Agency, Mail Stop 0522, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-4018  
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**RIN:** 0560—AG62**51. • APPLE MARKET LOSS PAYMENT PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 714b and 714c; PL 107-76**CFR Citation:** 7 CFR 1470**Legal Deadline:** None

**Abstract:** Section 741 of the Agriculture, Rural Development, Food and Drug Administration, and related agencies Appropriation Act, for Fiscal Year 2002, authorizes the Secretary of Agriculture to provide assistance to apple growers for loss of markets for apples. The Apple Market Loss Assistance Payment Program will utilize \$75 million of Commodity Credit Corporation funds to make payments to apple producers. The direct cash payments to apple growers will be based on the quantity of the 2000 crop of apples that was produced on each farm unit. A particular farm will be eligible for a payment based on reported production, with a maximum eligible 2000 apple crop production of 20,000,000 pounds per farm. This Program is being implemented to provide monetary assistance to eligible apple producers who have recently experienced a variety of adverse

marketing conditions, including record low prices, unfairly priced imports of apple juice concentrate, high regulatory costs, food retail consolidation and subsidized foreign competition.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

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

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Room 6734-S, Washington, DC 20250  
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**RIN:** 0560—AG63**52. • CLARIFICATION OF GUARANTEED FARM OWNERSHIP AND OPERATING LOAN REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 42 USC 1480; 7 USC 1989**CFR Citation:** 7 CFR 762**Legal Deadline:** None

**Abstract:** The USDA Farm Service Agency (FSA) proposes a rule to correct minor errors and clarify confusing sections in 7 CFR 762. FSA promulgated part 762 on February 12, 1999, to implement a Preferred Lender Program and improve its guaranteed loan regulations. First, this rule proposes to correct §762.120(d). This section requires all members of an entity to be citizens while the authorizing statute requires only a majority of entity members to be citizens. Second, “experience” will be added to §762.120 as an eligibility requirement. Adequate experience is currently a requirement for loan applicants; however, the regulation is not sufficiently clear. This rule proposes to correct that omission. Finally, the rule proposes to clarify entity eligibility, security requirements, and miscellaneous items, such as how lenders use guarantees as security.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

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

**Agency Contact:** Mr. Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250  
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Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560—AG65**53. • SERVICING MINOR FARM LOAN PROGRAM LOANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1932 Note; 7 USC 1989; 16 USC 1005; 31 USC 3711**CFR Citation:** 7 CFR 772; 7 CFR 1901-E; 7 CFR 1942-A; 7 CFR 1951-E and F; 7 CFR 1956-C**Legal Deadline:** None

**Abstract:** The rule proposes to consolidate regulations currently shared by FSA and the agencies of the USDA Rural Development mission area and publish a single Farm Service Agency regulation. The existence of provisions governing these loans in scattered regulations make proper administration difficult. Information not specific to the Minor Programs will be eliminated, language will be improved for readability, and only regulations pertaining to the FSA Minor Programs will be included. FSA’s minor loan program borrowers, a total of 52 Irrigation and Drainage Loan borrowers and 88 Grazing and Land Shift Loan borrowers, with a total outstanding balance of around \$20 million, are the only program participants who will be affected by this proposed rule. When finalized, the rule will not change the requirements or the effect of the regulations pertaining to FSA Minor Program Loans. The consolidation of the regulations will enable more efficient use by FSA staff who administer the programs and better service to the customers with these



## USDA—FSA

## Long-Term Actions

loans. There will be no additional outlays of Federal funds, no additional staffing and no additional paperwork burden.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Room 6734-S, Washington, DC 20250  
Phone: 202 205-5851  
Fax: 202 720-5233  
Email: tom\_witzig@wdc.fsa.usda.gov  
**RIN:** 0560-AG67

#### 54. • SALE AND PURCHASE OF FLUE-CURED TOBACCO ACROSS COUNTY LINES (FLORIDA AND GEORGIA)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-78

**CFR Citation:** 7 CFR 723

**Legal Deadline:** None

**Abstract:** Current regulations require the Farm Service Agency (the Agency) to approve only requests for sale of flue-cured tobacco quota between farms located within the same county. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, however, provided for this to change if a sufficient number of voting producers who own or grow the tobacco wanted it. The Act directed the Secretary to conduct a referendum within any State in which at least 25 per cent of the active flue-cured producers in that State petitioned the Secretary to do so. Thus the producers themselves would determine if the regulations would permit the sale of flue-cured tobacco quota within a state across county lines. More than the required 25 per cent of active flue-cured producers in both Florida and Georgia requested a referendum. The Agency conducted the referenda in October, 2001. In Florida 76.8 percent of those voting approved permitting the sale of flue-cured quota across county lines and in Georgia, 81.2 per cent of the voters approved the changes. Therefore, this action will amend the

regulation that limits such sales to within a county. It will not result in any additional budget outlays or financial risk to either the small number of producers who will avail themselves of the opportunity it permits or to the Government.

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Room 6734-S, Washington, DC 20250  
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Fax: 202 720-5233  
Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AG68

## Department of Agriculture (USDA)

## Completed Actions

## Farm Service Agency (FSA)

#### 55. DAIRY RECOURSE LOAN PROGRAM

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1430

**Completed:**

Reason	Date	FR Cite
Final Action	02/15/02	67 FR 7056

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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Fax: 202 720-5233  
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**RIN:** 0560-AF41

#### 56. 1999-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO

**Priority:** Other Significant

**CFR Citation:** 7 CFR 723; 7 CFR 1464

**Completed:**

Reason	Date	FR Cite
Merged With 0560-AG58	03/26/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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Fax: 202 720-5233  
Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AF50

#### 57. REMOVE INTERNAL AGENCY PROVISIONS FROM FSA FARM CREDIT PROGRAM REGULATIONS FOR LIQUIDATION OF LOANS SECURED BY REAL ESTATE AND ACQUISITION OF REAL AND CHATTEL PROPERTY

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

**CFR Citation:** 7 CFR 1955

**Completed:**

Reason	Date	FR Cite
Merged With 0560-AF60	01/01/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AF53

## USDA—FSA

## Completed Actions

**58. STREAMLINING OF THE EMERGENCY FARM LOAN PROGRAM REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1945**Completed:**

Reason	Date	FR Cite
Final Action	01/08/02	67 FR 791
Correction	02/21/02	67 FR 7941

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

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Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AF72**59. 2000-CROP PEANUTS NATIONAL POUNDAGE QUOTA, NATIONAL AVERAGE LOAN RATES FOR QUOTA AND ADDITIONAL PEANUTS AND MINIMUM EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS****Priority:** Other Significant**CFR Citation:** 7 CFR 729; 7 CFR 1446**Completed:**

Reason	Date	FR Cite
Merged With 0560-AG57	03/26/02	

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

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**RIN:** 0560-AF83**60. 2000-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Completed:**

Reason	Date	FR Cite
Merged With 0560-AF84	12/31/99	

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AF84**61. DISASTER SET-ASIDE PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1951**Completed:**

Reason	Date	FR Cite
Interim Final Rule	05/17/00	65 FR 31248
Interim Final Rule	07/17/00	
Comment Period End		

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AF91**62. LAMB MEAT ADJUSTMENT ASSISTANCE PROGRAM****Priority:** Other Significant**CFR Citation:** 7 CFR 784**Completed:**

Reason	Date	FR Cite
Final Action Effective	03/21/02	
Final Action	03/26/02	67 FR 13707

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

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**RIN:** 0560-AG17**63. 2001-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Completed:**

Reason	Date	FR Cite
Merged With 0560-AG60	03/26/02	

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

Phone: 202 205-5851

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Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AG28**64. 2001-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Completed:**

Reason	Date	FR Cite
Merged With 0560-AG59	03/26/02	

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

Phone: 202 205-5851

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Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AG29**65. 2001-CROP MARKETING AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Completed:**

Reason	Date	FR Cite
Merged With 0560-AG58	03/26/02	

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AG30**66. 2001-CROP PEANUTS NATIONAL POUNDAGE QUOTA, NATIONAL AVERAGE LOAN RATES FOR 2001-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS****Priority:** Other Significant**CFR Citation:** 7 CFR 729; 7 CFR 1421; 7 CFR 1446**Completed:**

Reason	Date	FR Cite
Merged With 0560-AG57	03/26/02	

## USDA—FSA

## Completed Actions

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

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**RIN:** 0560-AG31**67. LIVESTOCK INDEMNITY PROGRAM AND LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT GROWERS****Priority:** Other Significant**CFR Citation:** 7 CFR 1439**Completed:**

Reason	Date	FR Cite
Final Rule: LIP 2000	02/19/02	67 FR 7265

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AG33**68. CONSERVATION RESERVE PROGRAM—FAILURE TO ESTABLISH COVER AND GOOD FAITH RELIANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1410**Completed:**

Reason	Date	FR Cite
Final Rule	01/16/02	67 FR 2131

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

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**RIN:** 0560-AG37**69. REDUCTION OF AMORTIZED SHARED APPRECIATION RECAPTURE INTEREST RATE****Priority:** Other Significant**CFR Citation:** 7 CFR 761; 7 CFR 1910; 7 CFR 1927; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945**Completed:**

Reason	Date	FR Cite
Final Action	02/21/02	67 FR 7942

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Tribal**Agency Contact:** Tom Witzig

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**RIN:** 0560-AG43**70. TOBACCO MARKETING QUOTAS, ACREAGE ALLOTMENTS AND PRODUCTION ADJUSTMENT****Priority:** Other Significant**CFR Citation:** 7 CFR 1464**Completed:**

Reason	Date	FR Cite
NPRM	01/04/02	67 FR 526
Direct Final Rule	01/04/02	67 FR 481
Direct Final Rule Effective	02/04/02	
Affirmation of Direct Final Rule	03/29/02	

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

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**RIN:** 0560-AG51**71. TOBACCO LOSS ASSISTANCE PROGRAM 2001****Priority:** Other Significant**Legal Authority:** PL 107-76; 7 USC 1421, 1423, 1441, 1445, 1445-1, and 1445-2; 15 USC 714b, 715c**CFR Citation:** 7 CFR 1464**Legal Deadline:** Other, Statutory, March 31, 2002, Expiration of Authority to issue payments.**Abstract:** Section 774 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 directs the Farm Service Agency to issue payments to producers and quota holders for 2001 Fire Cured, Dark Air Cured, and Virginia Sun Cured Tobacco. The payments will be \$.10 per pound. The amount appropriated is \$5,000,000.**Timetable:**

Action	Date	FR Cite
Final Action Effective	03/01/02	
Final Action	03/20/02	67 FR 12829

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** 11191 Tobacco Farming**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Room 6734-S, Washington, DC 20250

Phone: 202 205-5851

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**RIN:** 0560-AG61**72. DAIRY INDEMNITY PAYMENT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-76**CFR Citation:** 7 CFR 760**Legal Deadline:** None**Abstract:** The Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation Act, 2002 provided \$100,000 for the Dairy Indemnity Payment Program, which indemnifies dairy farmers for milk dumped because of contamination that was not the fault of the producer. The program is reauthorized annually via the appropriation of funds. The Appropriations Act further provided that the program is to be carried out in the same manner as the previous year. Therefore, this action will make no change to the program regulations and will only amend the statutory authority in the Code of Federal Regulations. In a typical year, less than \$30,000 is spent.**Timetable:**

Action	Date	FR Cite
Final Action	03/28/02	67 FR 14843

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Room 6734-S, Washington, DC 20250

## USDA—FSA

## Completed Actions

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RIN: 0560-AG66  
BILLING CODE 3410-05-S

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

## Prerule Stage

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 2131 to 2159

**CFR Citation:** 9 CFR 3

**Legal Deadline:** None

**Abstract:** The U.S. Department of Agriculture regulates the treatment of certain marine mammals under the Animal Welfare Act. The present standards for treatment of these animals have been in effect for over 10 years. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. We intend to develop amendments to the marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. The amendments would be to standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphins 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	06/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0579-AB24

**74. • POTENTIAL PATHWAYS FOR THE SPREAD OF BOVINE SPONGIFORM ENCEPHALOPATHY IN U.S. LIVESTOCK**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 711 to 7714; 7 USC 7751; 7 USC 7754; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are soliciting public comment to help us develop approaches to control risks that dead stock and nonambulatory animals could serve as potential pathways for the spread of bovine spongiform encephalopathy, if that disease should ever be introduced into the United States. We are also seeking comments on the role of rendering in dead stock disposal. We are publishing this notice to collect information that could help us address animal disease risks associated with nonambulatory animals and dead stock.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/00/02	
ANPRM Comment Period End	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Linda Detwiler, Emergency Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 320 Corporate Boulevard, Robbinsville, NJ 08691  
Phone: 609 259-5825

**RIN:** 0579-AB43

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

## Proposed Rule Stage

**75. IMPORTATION OF SOLID WOOD PACKING MATERIAL**

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

**Legal Authority:** 7 USC 166; 7 USC 450; 7 USC 7701 to 7772

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** APHIS is undertaking rulemaking to strengthen restrictions on the importation of solid wood packing material (e.g., crates, dunnage, wooden spools, pallets, packing blocks) into the

United States. Imported solid wood packing material (SWPM) has been linked to introductions of exotic plant pests, such as the pine shoot beetle and the Asian longhorned beetle. These and other plant pests that could be carried by imported SWPM pose a serious threat to U.S. agriculture and to natural, cultivated, and urban forests. SWPM accompanies nearly all types of imported commodities, from fruits and vegetables to machinery and electrical equipment.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/20/99	64 FR 3049
ANPRM Comment Period End	03/22/99	
Notice	07/07/99	64 FR 36608
Comment Period End	09/07/99	
Notice	10/17/00	65 FR 61301
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

## USDA—APHIS

## Proposed Rule Stage

**Government Levels Affected:**

Undetermined

**Additional Information:**

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

**Agency Contact:** Raymond Nosbaum, Regulatory Coordination, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 141, 4700 River Road, Riverdale, MD 20737-1228

Phone: 301 734-6280

RIN: 0579-AA99

**76. BLOOD AND TISSUE COLLECTION AT LIVESTOCK SLAUGHTERING ESTABLISHMENTS****Priority:** Other Significant

**Legal Authority:** 21 USC 111 to 113; 21 USC 114a to 114a-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f

**CFR Citation:** 9 CFR 71**Legal Deadline:** None

**Abstract:** We are considering establishing requirements for the collection of blood and tissue samples from livestock (horses, cattle, bison, sheep, and swine) and poultry at slaughter establishments when it is necessary for disease surveillance. Under this proposal, any person who moves an animal interstate for slaughter could only move the animal to a slaughter establishment that has been approved by the Administrator. The Administrator would approve a slaughter establishment after determining that it is not necessary to conduct testing at the establishment or determining that it is necessary to conduct testing at the establishment and the establishment provides space and facilities to collect blood and tissue samples for disease testing. This collection of blood and tissue samples would enable us to identify animals at slaughter that are affected by various communicable diseases. This change would affect persons moving animals interstate for slaughter, slaughter plants that receive animals in interstate commerce, and in cases where an animal that tests positive can be successfully traced back to its herd or

flock of origin, the owners of such herds or flocks. The long-term effects of this change would be to improve surveillance programs for animal diseases and to contribute to the eventual control or eradication of such diseases.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Diane Sutton, Senior Staff Veterinarian, VS, National Animal Health Programs, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-4363

RIN: 0579-AB13

**77. BEES, BEEKEEPING BYPRODUCTS, AND BEEKEEPING EQUIPMENT (SECTION 610 REVIEW)****Priority:** Other Significant

**Legal Authority:** 7 USC 281; 7 USC 7701 to 7772

**CFR Citation:** 7 CFR 319; 7 CFR 322**Legal Deadline:** None

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

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

of bees, beekeeping byproducts, and used beekeeping equipment into one part.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	06/00/02	
Comment Period End	09/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

Phone: 301 734-8757

RIN: 0579-AB20

**78. VETERINARY DIAGNOSTIC USER FEES—5-YEAR PLAN FOR FEES (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5542; 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114 to 114a; 21 USC 134a; 21 USC 134c to 134d; 21 USC 134f; 21 USC 136 to 136a; 31 USC 3701; 31 USC 3716; 31 USC 3717; 31 USC 3719; 31 USC 3720A

**CFR Citation:** 9 CFR 130**Legal Deadline:** None

**Abstract:** We are proposing user fees for multiple fiscal years for APHIS' Veterinary Services' veterinary diagnostic user fee goods and services. We are proposing this action in order to ensure that we recover the full costs of providing these goods and services.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

Phone: 301 734-8351

RIN: 0579-AB22

USDA—APHIS

Proposed Rule Stage

**79. SALMONELLA ENTERITIDIS PHAGE-TYPE 4; REMOVE IMPORT RESTRICTIONS**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 94

**Legal Deadline:** None

**Abstract:** This rule would remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where Salmonella enteritidis phage-type 4 exists. Previously, Salmonella enteritidis phage-type 4 had not been isolated in the United States; therefore, those import restrictions were necessary to help prevent Salmonella enteritidis phage-type 4 from being introduced into this country. However, Salmonella enteritidis phage-type 4 is now known to be present in the United States.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	11/00/02	
Proposed Rule Comment Period End	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Michael David, Asst. Director, Sanitary International Standards Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 33, 4700 River Road, Riverdale, MD 20737 Phone: 301 734-8093

**RIN:** 0579-AB31

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

**Priority:** Other Significant

**Legal Authority:** 21 USC 111; 21 USC 114 to 114a; 21 USC 134a to 134h

**CFR Citation:** 9 CFR 53

**Legal Deadline:** None

**Abstract:** APHIS is proposing to amend its regulations for the cooperative control and eradication of livestock or poultry diseases. These changes would

provide APHIS with much needed flexibility in responding in an effective manner in the event of an outbreak of foot-and-mouth disease so that eligible claimants may be compensated while at the same time protecting the U.S. livestock and poultry population from the further spread of this highly contagious disease.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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

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

**RIN:** 0579-AB34

**81. CHRONIC WASTING DISEASE IN ELK; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY**

**Priority:** Other Significant

**Legal Authority:** 21 USC 111 to 114a-1; 21 USC 120 to 121; 21 USC 125; 21 USC 134b

**CFR Citation:** 9 CFR 55; 9 CFR 81

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Rule	02/08/02	67 FR 5925

Action	Date	FR Cite
Interim Rule Comment Period End	04/09/02	
Proposed Rule	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

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

**Agency Contact:** Dr. Lynn Creekmore, Staff Veterinarian/Wildlife Diseases Liaison, NAHPS, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4101 Laporte Avenue, Fort Collins, CO 80521 Phone: 970 266-6128

**RIN:** 0579-AB35

**82. • IMPORTATION OF MILK AND MILK PRODUCTS FROM FMD COUNTRIES**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 94

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations regarding the importation of animal products to establish additional processing and handling requirements for milk and milk products imported from regions in which foot-and-mouth disease exists. Additionally, it would require that those materials, when imported from regions in which foot-and-mouth disease exists, be accompanied by government certification regarding the production, processing, and handling of the materials. We believe these actions are necessary to ensure that materials containing the foot-and-mouth disease virus are not imported into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

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

**Agency Contact:** Dr. Karen A. James-Preston, Assistant Director, Technical Trade Services Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-8364

**RIN:** 0579-AB38**83. • IMPORTATION OF CLEMENTINES FROM SPAIN****Priority:** Other Significant

**Legal Authority:** 7 USC 166; 7 USC 450; 7 USC 7701 to 7772; 21 USC 136 to 136a

**CFR Citation:** 7 CFR 319**Legal Deadline:** None

**Abstract:** This rule would allow clementines to be imported from Spain if they are cold treated en route to the United States, and provided that certain other pre- and post-treatment requirements are met. We are taking this action based on our finding that this rule, if adopted, would reduce the risk of dissemination of fruit flies associated with the importations of clementines from Spain.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	07/00/02	
Proposed Rule Comment Period End	09/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Donna L. West, Import Specialist, Phytosanitary Issues Management Team, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737-1236  
Phone: 301 734-6799

**RIN:** 0579-AB40

## Department of Agriculture (USDA)

## Final Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**84. ANIMAL WELFARE; INSPECTION, LICENSING, AND PROCUREMENT OF ANIMALS (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 1 to 2**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Rule	08/04/00	65 FR 47908
Comment Period End	10/03/00	
Comment Period Reopened and Extended	10/19/00	65 FR 62650
Comment Period End	11/20/00	
Final Rule	12/00/02	

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

**Agency Contact:** Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit

84, 4700 River Road, Riverdale, MD 20737-1234

Phone: 301 734-7833

**RIN:** 0579-AA94**85. PHYTOSANITARY TREATMENT BY IRRADIATION OF IMPORTED FRESH FRUITS AND VEGETABLES****Priority:** Other Significant**Legal Authority:** 7 USC 7701 to 7772**CFR Citation:** 7 CFR 305; 7 CFR 319**Legal Deadline:** None

**Abstract:** This rulemaking would establish irradiation as a new treatment alternative for the importation of certain fresh fruits and vegetables. Irradiation would be allowed as an alternative to mitigation measures that are required to control certain species of fruit flies in a variety of imported fruits and vegetables. If this proposal is adopted, importers of certain fruits and vegetables will have an additional alternative to the currently approved treatments, such as fumigation and cold treatment, for treating their articles. No net societal gains and losses other than small price-related changes are expected from this rulemaking.

**Timetable:**

Action	Date	FR Cite
Policy Statement for Irradiation Treatment of Fresh Fruits and Vegetables	05/15/98	63 FR 24433
Proposed Rule	05/26/00	65 FR 34113
Comment Period End	07/25/00	
Proposed Rule (Supplemental)	05/00/02	
Final Rule	10/00/02	

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

**Agency Contact:** Donna L. West, Import Specialist, Phytosanitary Issues Management Team, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737-1236  
Phone: 301 734-6799

**RIN:** 0579-AA97**86. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES FROM MEXICO****Priority:** Other Significant

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

**CFR Citation:** 7 CFR 319**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Rule	06/11/99	64 FR 31512
Comment Period End	08/10/99	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Wayne D. Burnett, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Riverdale, MD 20737-1236  
Phone: 301 734-6799

**RIN:** 0579-AB02**87. ESTABLISHMENT OF REGIONS IN THE EUROPEAN UNION FOR CLASSICAL SWINE FEVER, FOOT-AND-MOUTH DISEASE, AND SWINE VESICULAR DISEASE****Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 1622; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 92; 9 CFR 94; 9 CFR 98**Legal Deadline:** None

**Abstract:** This action would recognize certain regions in the European Union as regions where classical swine fever is not known to exist and from which live swine, swine semen, and pork and pork products may be imported into the United States under certain conditions. Additionally, it would recognize Greece as free of swine vesicular disease and recognize eight regions in Italy as free of swine vesicular disease.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	06/25/99	64 FR 34155
Comment Period End	08/24/99	
Final Rule	03/00/03	

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

**Agency Contact:** Dr. S. Anne Goodman, Senior Staff Microbiologist, Regionalization Evaluation Services, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-4929

**RIN:** 0579-AB03**88. PSEUDORABIES IN SWINE; PAYMENT OF INDEMNITY****Priority:** Other Significant

**Legal Authority:** 21 USC 111 to 114a-1; 21 USC 120 to 121; 21 USC 125; 21 USC 134b

**CFR Citation:** 9 CFR 52**Legal Deadline:** None

**Abstract:** We are amending the animal health regulations to provide for the payment of indemnity by the United States Department of Agriculture for the voluntary depopulation of herds of swine known to be infected with pseudorabies.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/99	64 FR 2545
Interim Final Rule Comment Period End	04/16/99	
Interim Final Rule	04/18/00	65 FR 20706
Interim Final Rule Comment Period End	06/19/00	
Affirmation of Interim Rules	09/00/02	

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

**Agency Contact:** Dr. Arnold C. Taft, Senior Staff Veterinarian, National Animal Health Programs Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-4916

**RIN:** 0579-AB10**89. PLUM POX COMPENSATION****Priority:** Other Significant

**Legal Authority:** 7 USC 166; 7 USC 7711 to 7712; 7 USC 7714; 7 USC 7731; 7 USC 7735; 7 USC 7751 to 7754; sec 301.75-15 also issued under sec 204, title II, PL 106-113; 113 Stat. 1501A-293; sec 301.75-15 and 301.75.16 also issued under sec 203; title II, PL 106-224, 114 Stat. 400 (7 USC 1421 note)

**CFR Citation:** 7 CFR 301.74-5**Legal Deadline:** None

**Abstract:** APHIS has published an interim rule amending its plum pox regulations to provide for the payment of compensation to the owners of commercial stone fruit orchards and fruit tree nurseries who had stone fruit trees or nursery stock destroyed in order to control plum pox. The payment of these funds is necessary in order to reduce the economic impact of the plum pox quarantine on affected commercial stone fruit growers and fruit tree nursery owners. APHIS anticipates finalizing this interim rule after addressing the comments received.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/14/00	65 FR 55431
Interim Final Rule Comment Period End	11/13/00	
Final Rule	09/00/02	

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

**Agency Contact:** Stephen R. Poe, Operations Officer, Program Support Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1236  
Phone: 301 734-8247

**RIN:** 0579-AB19**90. ANIMAL WELFARE; POLICY ON ENVIRONMENT ENHANCEMENT FOR NONHUMAN PRIMATES****Priority:** Other Significant**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 3.81**Legal Deadline:** None

**Abstract:** APHIS' Animal Welfare Act regulations require that dealers, exhibitors, and research facilities that maintain nonhuman primates develop



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and follow a plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates.

APHIS is preparing a final policy statement to provide guidance on what we believe must be considered and included in the plan in order for dealers, exhibitors, and research facilities to adequately promote the psychological well-being of nonhuman primates. This final policy statement addresses the comments received in response to our draft policy statement.

**Timetable:**

Action	Date	FR Cite
Draft Policy Statement	07/15/99	64 FR 38145
Comment Period End	10/13/99	
Final Policy Statement	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Phone: 301 734-7833

**RIN:** 0579-AB25

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 18 USC 1306; 21 USC 111; 21 USC 134b to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701

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

**Legal Deadline:** None

**Abstract:** This interim rule prohibits, with limited exceptions, the importation of certain animal materials and their derivatives, and any products they are used in, from regions considered to present an unacceptable risk of introducing bovine spongiform encephalopathy (BSE) into the United States. Additionally, it requires that those materials, when imported from regions not considered at risk for BSE, be accompanied by Government certification regarding the species, region of origin, processing, and handling of the materials and the animals from which they were derived.

These actions are necessary to ensure that materials containing the BSE agent are not imported into the United States.

**Timetable:**

Action	Date	FR Cite
IRM Retroactively Effective	12/07/00	
Interim Final Rule	08/14/01	66 FR 42595
Sec 95.29 Effective	08/14/01	
Comment Period End	10/15/01	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Donna L. Malloy, Senior Staff Veterinarian, Technical Trade Services, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-3277

**RIN:** 0579-AB26

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

**Priority:** Other Significant

**Legal Authority:** 21 USC 111 to 114a-1; 21 USC 120 to 121; 21 USC 125; 21 USC 134b

**CFR Citation:** 9 CFR 50

**Legal Deadline:** None

**Abstract:** This action will provide that APHIS will pay owners of animals destroyed because of bovine tuberculosis an indemnity equal to the difference between the net salvage received and the appraisal value of the animals destroyed up to \$3,000 per animal.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Joseph Van Tiem, Staff Veterinarian, VS, National Animal Health Program, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-7716

Email: jvantiem@aphis.usda.gov

**RIN:** 0579-AB29

**93. • TUBERCULOSIS; INDEMNITY FOR DAIRY CATTLE**

**Priority:** Other Significant

**Legal Authority:** 21 USC 111 to 114a-1; 21 USC 120 to 121; 21 USC 134b

**CFR Citation:** 9 CFR 50

**Legal Deadline:** None

**Abstract:** This action will provide that APHIS will make payments to owners of dairy cattle as well as other property used in connection with a dairy business and a dairy processing plant in the area of El Paso, TX, provided the owners agree to refrain from establishing new cattle breeding operations in the area.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/02	
Interim Final Rule	06/00/02	
Comment Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Joseph Van Tiem, Staff Veterinarian, VS, National Animal Health Program, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-7716

Email: jvantiem@aphis.usda.gov

**RIN:** 0579-AB36

**94. • INFECTIOUS SALMON ANEMIA; PAYMENT OF INDEMNITY**

**Priority:** Other Significant

**Legal Authority:** 21 USC 111; 21 USC 114 to 114a

**CFR Citation:** 9 CFR 53

**Legal Deadline:** None

**Abstract:** We are amending the regulations regarding the control and eradication of certain communicable diseases of livestock or poultry to provide for the payment of indemnity to producers in the State of Maine for fish destroyed due to infectious salmon anemia. Because depopulation is necessary to control infectious salmon anemia, a successful control program

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will provide for indemnification of depopulated fish to gain producer support. This action will, therefore, increase the effectiveness of our efforts to control infectious salmon anemia in Maine and prevent further outbreaks of the disease.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/11/02	67 FR 17605
Interim Final Rule	06/10/02	
Comment Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Dr. Otis Miller, Jr., National Aquaculture Coordinator, NAHP, Veterinary Services, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 36, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-8715

**RIN:** 0579-AB37

**95. • ANIMAL WELFARE; POLICY ON TRAINING AND HANDLING OF POTENTIALLY DANGEROUS ANIMALS**

**Priority:** Other Significant

**Legal Authority:** 7 USC 2131 to 2159

**CFR Citation:** 9 CFR 3

**Legal Deadline:** None

**Abstract:** APHIS's Animal Welfare Act regulations require exhibitors and other regulated entities that handle potentially dangerous animals to provide a sufficient number of adequately trained personnel to handle and care for the animals and to provide adequate protection from risk for the general public when animals are exhibited.

APHIS is preparing a final policy statement to provide guidance to exhibitors and other regulated entities for the training and handling of potentially dangerous animals, adequate experience and training of trainers, handlers, and attendants, and points to consider when developing emergency contingency plans. The final policy statement addresses the comments received in response to our draft policy statement.

**Timetable:**

Action	Date	FR Cite
Draft Policy Statement	02/18/00	65 FR 8318

Action	Date	FR Cite
Comment Period End	04/18/00	
Final Policy Statement	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Phone: 301 734-7833

**Related RIN:** Previously reported as 0579-AB12

**RIN:** 0579-AB39

**96. • ADDITIONAL RESTRICTIONS ON THE IMPORTATION OF CERTAIN RUMINANT MEAT, MEAT PRODUCTS, AND EDIBLE PRODUCTS OTHER THAN MEAT FROM BSE REGIONS**

**Priority:** Other Significant

**Legal Authority:** Title IV, PL 106-224; Title IV, PL 114 Stat. 438; 7 USC 7701 to 7772; 7 USC 450; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a to 134c; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 94; 9 CFR 96

**Legal Deadline:** None

**Abstract:** We are amending the regulations governing the importation into the United States of meat and meat products from ruminants and other ruminant products to restrict the importation of meat and meat products from ruminants and certain other ruminant products that were processed or stored in regions where bovine spongiform encephalopathy exists or regions considered to present an undue risk of introducing bovine spongiform encephalopathy into the United States. This action is necessary to ensure that materials containing the bovine spongiform encephalopathy agent are not imported into the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule	02/00/03	
Comment Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Donna L. Malloy, Senior Staff Veterinarian, Technical Trade Services, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-3277

**RIN:** 0579-AB41

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

**Priority:** Other Significant

**Legal Authority:** 21 USC 111 to 113; 21 USC 114 to 114a-1; 21 USC 120 to 121; 21 USC 125; 21 USC 134b

**CFR Citation:** 9 CFR 51

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Rule	09/13/01	66 FR 47593
Proposed Rule Comment Period End	11/13/01	
Final Rule	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-7708

**RIN:** 0579-AB42

**98. • KARNAL BUNT COMPENSATION**

**Priority:** Other Significant

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

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**CFR Citation:** 7 CFR 301**Legal Deadline:** None

**Abstract:** We are amending the Karnal bunt regulations to provide compensation for certain growers and handlers of grain and seed affected by Karnal bunt who are not currently eligible for compensation, and for certain wheat grown outside the regulated area that was commingled with wheat grown in regulated areas in Texas. This rule particularly addresses areas that became regulated during the latter part of the 2000-2001 growing season; due to the need to quickly regulate these areas, we were unable to modify the compensation regulations at

that time to address certain relevant aspects of the way seed and grain are moved, stored, and used in the newly regulated areas. The payment of compensation is necessary in order to encourage the participation of, and obtain cooperation from, affected individuals in our efforts to contain and reduce the prevalence of Karnal bunt.

**Timetable:**

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

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

**Agency Contact:** Robert G. Spaide, Director of Surveillance and Emergency Programs Planning and Coordination, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 98, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-7819

**Related RIN:** Related To 0579-AA83**RIN:** 0579-AB45

## Department of Agriculture (USDA)

## Animal and Plant Health Inspection Service (APHIS)

## Long-Term Actions

**99. IMPORTATION OF CERTAIN EMBRYOS AND ANIMAL SEMEN (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 98**Timetable:**

Action	Date	FR Cite
ANPRM	07/08/93	58 FR 36625
ANPRM Comment Period End	09/07/93	
NPRM	To Be	Determined

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

Undetermined

**Agency Contact:** Roger Perkins

Phone: 301 734-8364

**RIN:** 0579-AA63**100. 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**101. IMPORTATION OF FUJI APPLES FROM THE REPUBLIC OF KOREA****Priority:** Other Significant**CFR Citation:** 7 CFR 319.56-2cc**Timetable:**

Action	Date	FR Cite
Proposed Rule	04/26/00	65 FR 24423
Comment Period End	06/26/00	
Comment Period Extended	08/22/00	65 FR 50937
Comment Period End	10/23/00	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Wayne D. Burnett

Phone: 301 734-6799

**RIN:** 0579-AA93**102. HORSE PROTECTION; HORSE INDUSTRY ORGANIZATIONS****Priority:** Other Significant**CFR Citation:** 9 CFR 11**Timetable:**

Action	Date	FR Cite
Proposed Rule	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Jodie Kulpa

Phone: 301 734-7833

**RIN:** 0579-AB04**103. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES****Priority:** Other Significant**CFR Citation:** 7 CFR 319.56 to 319.56-8**Timetable:**

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

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

Undetermined

**Agency Contact:** Wayne D. Burnett

Phone: 301 734-6799

**RIN:** 0579-AB18**104. EXPORTATION OF LIVESTOCK (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 91**Timetable:**

Action	Date	FR Cite
Proposed Rule	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined

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## Long-Term Actions

**Government Levels Affected:** None

**Agency Contact:** Gary Colgrove  
Phone: 301 734-4356

**RIN:** 0579-AB21

### 105. NURSERY STOCK REGULATIONS (SECTION 610 REVIEW)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 300; 7 CFR 319

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/01	66 FR 67123
NPRM Comment Period End	02/26/02	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Wayne D. Burnett  
Phone: 301 734-6799

**RIN:** 0579-AB23

### 106. DRAFT ACTION PLAN FOR THE NOXIOUS WEEDS PROGRAM

**Priority:** Other Significant

**CFR Citation:** 7 CFR 360

**Timetable:**

Action	Date	FR Cite
Notice	01/28/02	67 FR 3874
Comment Period End	03/29/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Alan V. Tasker  
Phone: 301 734-5225

**RIN:** 0579-AB30

### 107. • AMEND REGULATIONS TO HARMONIZE OUR IMPORT REQUIREMENTS WITH PROPOSED NATIONAL TUBERCULOSIS ERADICATION PROGRAM

**Priority:** Other Significant

**Legal Authority:** 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 136 to 136a; 31 USC 9701

**CFR Citation:** 9 CFR 93

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. S. Anne Goodman, Senior Staff Microbiologist, Regionalization Evaluation Services, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-4929

**RIN:** 0579-AB44

## Department of Agriculture (USDA)

### Animal and Plant Health Inspection Service (APHIS)

## Completed Actions

### 108. COMMERCIAL TRANSPORTATION OF EQUINES TO SLAUGHTER

**Priority:** Other Significant

**CFR Citation:** 9 CFR 70; 9 CFR 88 (New)

**Completed:**

Reason	Date	FR Cite
Final Rule	12/07/01	66 FR 63588
Final Rule Effective	01/06/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy R. Cordes  
Phone: 301 734-3279

**RIN:** 0579-AB06

### 109. IMPORTATION OF UNSHU ORANGES

**Priority:** Other Significant

**CFR Citation:** 7 CFR 319.28

**Completed:**

Reason	Date	FR Cite
Final Rule Effective	01/28/02	
Final Rule	02/01/02	67 FR 4873

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Inder Paul Gadh  
Phone: 301 734-6799

**RIN:** 0579-AB17

### 110. MEXICAN HASS AVOCADO IMPORT PROGRAM

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Rule	11/01/01	66 FR 55530
Final Rule Effective	11/01/01	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** Federal

**Agency Contact:** Wayne D. Burnett  
Phone: 301 734-6799

**RIN:** 0579-AB27

### 111. INTERSTATE MOVEMENT OF SWINE WITHIN A PRODUCTION SYSTEM

**Priority:** Other Significant

**CFR Citation:** 9 CFR 71; 9 CFR 85

**Completed:**

Reason	Date	FR Cite
Final Rule	12/20/01	66 FR 65598
Final Rule Effective	01/22/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Agency Contact:** Arnold C. Taft  
Phone: 301 734-4916

**RIN:** 0579-AB28

## USDA—APHIS

## Completed Actions

**112. BLACK STEM RUST; IDENTIFICATION REQUIREMENTS AND ADDITION OF RUST-RESISTANT VARIETIES (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 166; 7 USC 7711 to 7712; 7 USC 7714; 7 USC 7731; 7 USC 7735; 7 USC 7751 to 7754**CFR Citation:** 7 CFR 301**Legal Deadline:** None**Abstract:** We are amending the black stem quarantine regulations by adding 32 new varieties to the list of rust-

resistant varieties of Berberis, Mahoberberis, or Mahonia spp. We are also updating the regulations to reflect changes to the variety listing process.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	04/07/98	63 FR 16908
Comment Period End	05/22/98	
Proposed Rule; Withdrawal and Reproposal	06/14/01	66 FR 32268
Comment Period End	08/13/01	
Final Rule	02/22/02	67 FR 8177
Final Rule Effective	03/25/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Dr. Vedpal S. Malik, Agriculturalist, Invasive Species and Pest Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-6774**RIN:** 0579-AB33**BILLING CODE** 3410-34-S**Department of Agriculture (USDA) Rural Housing Service (RHS)**

## Proposed Rule Stage

**113. 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:** This ruling will effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); title VI of the Civil Rights Act of 1964; title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act); section 504 Federally Conducted and Federally Assisted Programs; title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; and Executive Orders 11246 and 12898 (Environmental Justice). The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws, which heavily impact the Agency's programs. Mechanisms for monitoring compliance by field offices and recipients of Federal financial assistance at all levels will decrease the Agency's vulnerability that exist due to noncompliance with recently enacted Civil Rights legislation.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Carlton L. Lewis, Chief, Program Compliance Branch, Department of Agriculture, Rural Housing Service, STOP 0703, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 692-0097  
TDD Phone: 202 692-0107  
Fax: 202 692-0305  
Email: cllewis@rdmail.rural.usda.gov  
**RIN:** 0575-AA83**114. 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	03/00/03	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Baxter Hill, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1499**RIN:** 0575-AC07**115. 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 is combining seven regulations affecting the servicing of Community Programs loans and grants into one regulation. There are no policy or procedural changes. The published regulation will be simplified by removing the administrative portion and will only contain the information affecting the public.

## USDA—RHS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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

**RIN:** 0575-AC12**116. MULTI-FAMILY HOUSING****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 proposes to consolidate regulations pertaining to section 515 Rural Rental Housing, section 514 Farm Labor Housing Loans, section 516 Farm Labor Housing Grants, and section 521 Rental Assistance Payments. Fourteen published regulations will be reduced to one regulation and handbooks for program administration. This will simplify loan origination and portfolio management for applicants, borrowers, and housing operators as well as Rural Development field staff. This will also provide flexibility for program modifications to reflect current and foreseeable changes. It will also reduce regulations that address solely internal Agency program administration. Finally, the regulation will be more customer friendly and responsive to the needs of the public.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

**Agency Contact:** Patrick Sheridan, Assistant Deputy Administrator, MFH, Department of Agriculture, Rural Housing Service, Room 1263/Stop 0782, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1609  
Email: psherida@rdmail.rural.usda.gov

**RIN:** 0575-AC13**117. 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	12/00/02	
NPRM Comment Period End	02/00/03	

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

**Agency Contact:** William M. Toney, Director, SFH Direct Loan Division, Department of Agriculture, Rural Housing Service, STOP 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474

**RIN:** 0575-AC20**118. • COMMUNITY FACILITIES DIRECT LOAN PROGRAM—CONSOLIDATE, SIMPLIFY, AND UPDATE REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1926

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

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

**Agency Contact:** Joseph Ben-Israel, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 0183/STOP 0787, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1490  
Email: jbenisra@rdmail.rural.usda.gov

**RIN:** 0575-AC27**119. • GUARANTEED RURAL RENTAL HOUSING PROGRAM—SECONDARY MORTGAGE MARKET PARTICIPATION****Priority:** Other Significant

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

**CFR Citation:** 7 CFR 3565**Legal Deadline:** None

**Abstract:** Section 538 of title V of the Housing Act of 1949 authorizes USDA to make commitments to guarantee loans for the development of housing and related facilities. By this authority, the Rural Housing Service (RHS) administers the Guaranteed Rural Rental Housing Program. The RHS, through consultation with industry and government experts in the loan guarantee field, has identified barriers

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## Proposed Rule Stage

to the success of the program. In the case of default, regulations will be revised to allow for a timely payment to the investor. In addition, lenders will be allowed to submit a claim for “estimated” losses. The RHS also intends to lower the annual guarantee fee from 50 to 25 basis points.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

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

**RIN:** 0575-AC28
**Department of Agriculture (USDA)  
Rural Housing Service (RHS)**

## Final Rule Stage

**120. ENVIRONMENTAL PROGRAM****Priority:** Other Significant**Legal Authority:** PL 96-510; PL 94-580; PL 94-469; PL 92-500; PL 91-190**CFR Citation:** 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400; 7 CFR 1940**Legal Deadline:** None

**Abstract:** The objective of this action is to replace the existing environmental regulation and to implement changes to streamline the environmental process for the Rural Housing Service (RHS) and the Rural Business Service (RBS); to include changes necessitated by amendments to various environmental laws, Executive orders, and regulations applicable to the two agencies; to clarify wording; correct inconsistencies; and where applicable, to delete obsolete material and update references in other program regulations. This revision represents an important contribution to the Department's efforts to streamline its operations and realize more efficient use of staff time. There are a number of Federal environmental statutes which govern the management of hazardous substances, materials, and wastes. At the present time, RHS and RBS do not have implementing regulations for these Federal statutes. The development of implementation procedures for managing hazardous substances is necessary to insure consistency in compliance with Federal, as well as State, environmental statutes; to develop appropriate “due diligence” policies to ensure that the market value of real estate being considered as security for financial assistance adequately reflects potential contamination from hazardous waste; and to minimize the Agencies' liability with regard to environmental cleanups of hazardous waste in loan processing/servicing and property management activities.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/00	65 FR 55784
NPRM Comment	11/13/00	
Period End		
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Susan Wiefierich, Senior Environmental Protection Specialist, Program Support Service, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-9647

**RIN:** 0575-AB98**121. DIRECT SECTION 502 AND 504 SINGLE-FAMILY HOUSING PROGRAM****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480; 31 USC 3700**CFR Citation:** 7 CFR 1806; 7 CFR 1900; 7 CFR 1944; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956; 7 CFR 1965; 7 CFR 3550**Legal Deadline:** None

**Abstract:** The Rural Housing Service reopened the comment period on four sections of this regulation seeking potential changes to the definition of modest housing and calculation of payment subsidies. The Agency has reviewed the comments and will be publishing minor corrections and clarifications in the existing regulation. In addition, the Agency will provide an updated definition of modest housing moving away from reliance on the section 203(b) mortgage limits set by the Department of Housing and Urban Development. The Agency will use more localized data and provide

clearer guidance to ensure compliance with our mission to finance housing that is decent, safe, sanitary, and modest. No changes in the payment subsidy are anticipated.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/96	61 FR 15395
NPRM Comment	06/07/96	
Period End		
Interim Final Rule	11/22/96	61 FR 59762
Interim Final Rule	12/26/96	
Comment Period End		
Interim Final Rule	12/26/96	
Effective		
Final Action	06/00/02	

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

**Agency Contact:** William M. Toney, Director, SFH Direct Loan Division, Department of Agriculture, Rural Housing Service, STOP 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474

**RIN:** 0575-AB99**122. 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

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guidance on program oversight and monitoring.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Agency Contact:** Roger Glendenning, Deputy Director, Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, Room 2248/Stop 0784, 1400 Independence Avenue SW, Washington, DC 20250-0780

Phone: 202 720-1480

Fax: 202 205-2476

Email:

rglendenning@rdmail.rural.usda.gov

**RIN:** 0575-AC18

**123. OPERATING ASSISTANCE FOR MIGRANT FARMWORKER PROJECTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1989; 42 USC 1484; 42 USC 1486; 42 USC 1490a; PL 105-276, sec 599c

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

**Legal Deadline:** None

**Abstract:** Regulation implements the provisions of Public Law 105-276, enacted October 21, 1998, which amended section 521 of the Housing

Act of 1949. This amendment provides that, for migrant farmworker housing projects financed under section 514 or 516 of the Housing Act, the Secretary may, at the request of the owner, permit amounts provided for rental assistance under section 521 to be used to provide assistance for the costs of operating the project.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/00	65 FR 65790
NPRM Comment Period End	01/02/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** David Layfield, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 1239/STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781

Phone: 202 690-0759

Fax: 202 690-3444

Email: dlayfiel@rdmail.rural.usda.gov

**RIN:** 0575-AC24

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1484; 42 USC 1486

**CFR Citation:** 7 CFR 1944, subpart D

**Legal Deadline:** None

**Abstract:** Section 514 of title V of the Housing Act of 1949 authorizes USDA to make loans for farm labor housing. Section 516 of the Act authorizes USDA to make grants for the same purpose. These authorities are implemented through 7 CFR part 1944, subpart D. Section 516 also authorizes USDA to provide financial assistance to private and public nonprofit agencies to encourage the development of farm labor housing. Recipients of this financial assistance, in turn, assist other organizations obtain loans and grants for the construction of farm labor housing. This regulation change will incorporate the "technical assistance" provision of the statute into 7 CFR 1944. The amount of assistance is limited by statute to 10 percent of the total section 516 allocation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/01	66 FR 29739
NPRM Comment Period End	07/31/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** David Layfield, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 1239/STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781

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**RIN:** 0575-AC25

**Department of Agriculture (USDA)  
Rural Housing Service (RHS)****Completed Actions****125. GUARANTEED RURAL RENTAL HOUSING, SECTION 538 STATUTORY CHANGES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 3565

**Completed:**

Reason	Date	FR Cite
Final Action	04/09/02	67 FR 16969

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Douglas MacDowell

Phone: 202 720-1627

Fax: 202 690-3444

Email: dmacdowe@rurdev.usda.gov

**RIN:** 0575-AC26

**BILLING CODE 3410-XV-S**



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

Proposed Rule Stage

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation amends the General Administrative Regulations by revising the "Collection of Information and Data (Privacy Act)" statement found on the general crop insurance application. The proposed amendments to the statement include defining "substantial beneficial interest" as those persons whose interest in the policyholder is in excess of 10 percent. Other minor changes have been made to more fully comply with provisions of the Privacy Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB00

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** To ensure that the interests of policyholders are protected and that the policies and policyholder data are transferred in an orderly manner, the Risk Management Agency is providing comprehensive regulations that will apply to agents, managing general agents, policy-issuing companies, and reinsured companies. The objective of this regulation is to prescribe uniform administrative requirements for the movement or assumption of crop insurance policies.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** 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-AB71

**128. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB73

**129. COMMON CROP INSURANCE REGULATIONS; BLUEBERRY CROP INSURANCE PROVISIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to solicit public comments on FCIC's proposed action to convert the blueberry pilot insurance program to a permanent insurance program. The pilot was initiated for the 1995 crop year for selected counties in Michigan, Mississippi, New Jersey, and North Carolina and covered highbush and rabbiteye blueberry varieties.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB76

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this proposed rule is to solicit public comments on FCIC's proposed action to revise the Nursery Crop Provisions (99-073) for the 2002 crop year to: Specify that container grown and field grown plants are separate crops, provide optional units by location for field grown nursery plant, incorporate the "lower of" rule into section 6 of the provisions, permit insureds to purchase insurance coverage on a year-round basis, incorporate provisions to provide a rehabilitation payment for plants damaged by an insured cause of loss.

## USDA—FCIC

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

Required: No

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

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

RIN: 0563-AB80

**131. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY****Priority:** Other Significant**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

**Abstract:** To revise actual production history regulations to reflect changes in calculation of approved APH yields as mandated by the Agricultural Risk Protection Act of 2000. Revisions will include: Assigned yields for crops produced on land not farmed before (added land), rotations to crops not previously produced (new crops), and for prevented planting acreage if planted to a substitute crop; adjustments for successful pest control efforts and for organic crops destroyed to maintain organic certification; and substitution of 60 percent of the transitional yield for low actual yields if producers elect that option.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**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

**132. COMMON CROP INSURANCE REGULATIONS; BASIC PROVISIONS AND GENERAL ADMINISTRATIVE REGULATIONS, SUBPART T, REGULATIONS FOR IMPLEMENTATION****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 400; 7 CFR 457**Legal Deadline:** Final, Statutory, October 18, 2000.

**Abstract:** The purpose of these rules is to propose changes to the Common Crop Insurance Regulations, Basic Provisions and the General Administrative Regulations, Subpart T—Insurance Implementation, mandated by the Agricultural Risk Protection Act of 2000. The changes will be proposed to be effective beginning with the 2002 crop year for all crops with a contract change date on or after June 30, 2001. The major changes to the Common Crop Insurance Regulations, Basic Provisions are: 1) Limit indemnities and premiums when more than one crop is planted on acreage within the same crop year; 2) if an initial crop is prevented from being planted and a substitute crop is planted on the acreage within the same crop year, allow reduced prevented planting coverage for the initial crop, and the initial crop's Actual Production History (APH) will be reduced to 60 percent of the producer's APH; and 3) add scientifically sound sustainable and organic farming practices as good farming practices.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**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-AB85

**133. • GENERAL ADMINISTRATIVE REGULATIONS; SUBPART L—REINSURANCE AGREEMENT—STANDARDS FOR APPROVAL; REGULATIONS FOR THE 1997 AND SUBSEQUENT REINSURANCE YEARS****Priority:** Other Significant**Legal Authority:** 7 USC 1508**CFR Citation:** 7 CFR 400**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation (FCIC) proposes to amend its General Administrative Regulations to publish the terms of the Standard Reinsurance Agreement (SRA) in the Federal Register. This will improve the integrity of the public/private partnership by avoiding ad hoc changes to important definitions and terms during negotiations involving compensation paid to each insurance provider. The current SRA has not been published in the Federal Register; therefore, the intent of this proposal is to codify the definitions and terms.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**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-AB86

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

Final Rule Stage

**134. COMMON CROP INSURANCE REGULATIONS; SMALL GRAINS CROP INSURANCE PROVISIONS AND WHEAT WINTER COVERAGE ENDORSEMENT**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 457.101; 7 CFR 457.102

**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation proposes to revise and clarify existing policy provisions, establish winter wheat coverage in certain South Dakota and Wisconsin counties, reduce coverage under Option B of the Wheat Winter Coverage Endorsement, and to require insurance on spring wheat planted to replace damaged winter wheat covered under the Wheat Winter Coverage Endorsement.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/00	65 FR 21144
NPRM Comment Period End	06/19/00	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB63

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** Nonstandard Underwriting Classification System (NCS): NCS was criticized by producers and their representatives for several years and became a major issue with the repetitive floods in the upper Midwest and multi-year droughts in the Southwest. Complaints included claims

that the NCS procedures: 1) Did not adequately exclude widespread causes of loss (disaster adjustment); 2) failed to recognize diverse conditions within a county; 3) unfairly hit new or struggling producers caught by repetitive disasters; and 4) set too high a premium for those producers listed. Additionally, administration of the NCS process was complicated, sometimes subjective, and labor intensive.

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

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

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

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

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

**Timetable:**

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

Action	Date	FR Cite
NPRM Comment Period End	10/19/98	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB66

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p); 7 USC 1508(e)(3)

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** To allow approved insurance providers to apply to the Federal Crop Insurance Corporation for authority to reduce the premium charged producers in accordance with section 508(e)(3) of the Federal Crop Insurance Act, as amended, and to provide the limitations and requirements applicable to the payment of rebates, dividends, and patronage refunds to insureds and payments to insured-owned and record-controlling entities.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/99	64 FR 25464
NPRM Comment Period End	07/12/99	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** 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-AB70

USDA—FCIC

Final Rule Stage

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

**Priority:** Economically Significant. Major under 5 USC 801.  
**Legal Authority:** 7 USC 1506(l), 1506(p)  
**CFR Citation:** 7 CFR 402; 7 CFR 407; 7 CFR 457

**Legal Deadline:** Final, Statutory, June 30, 2000.

**Abstract:** The Federal Crop Insurance Corporation (FCIC) amends the Catastrophic Risk Protection Endorsement (7 CFR part 402), the Group Risk Plan of Insurance Regulations (7 CFR part 407), and the Common Crop Insurance Regulations, Basic Provisions (7 CFR part 457) to revise those provisions affected by the changes in the administrative fees and subsidies and the substitution of yields in the producer's actual production history mandated by the Agricultural Risk Protection Act of 2000.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	06/28/00	65 FR 40483
Interim Final Rule	06/30/00	65 FR 40483
Interim Final Rule Comment Period End	08/29/00	
Final Rule	05/00/02	

**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-AB81

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

**Priority:** Other Significant  
**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)  
**CFR Citation:** 7 CFR 400  
**Legal Deadline:** None

**Abstract:** Minor revisions will be made to the regulation for clarification and other revisions will be made as specified: Remove the need to publish policies from 508(h) submissions as a Notice of Availability in the Federal Register; information will be made available electronically to producers and approved insurance providers; confidential information may be withheld from the public under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information even after approval by the Board; there will be an expert review of submissions; the applicant will be notified in writing at least 30 days prior to the Board disapproving a

submission, if the Board intends to disapprove the submission; a submission will be deemed approved by the Board if the Board fails to make a determination within a prescribed time period; applicants will be reimbursed for research and developmental costs and maintenance costs; and companies selling the product will pay fees to the developer of the product after the fourth year of the applicant being paid maintenance costs unless maintenance for the product is transferred to FCIC.

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/01	66 FR 36951
NPRM Comment Period End	08/15/01	
Interim Final Rule	09/17/01	66 FR 47949
Interim Final Rule Comment Period End	11/16/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB84

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

**Completed Actions**

**139. COMMON CROP INSURANCE REGULATIONS; MILLET CROP INSURANCE PROVISIONS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 7 CFR 457

**Completed:**

Reason	Date	FR Cite
Final Rule	01/23/02	67 FR 3036
Final Action Effective	02/22/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None  
**Agency Contact:** Timothy Hoffmann Phone: 816 926-7743  
**RIN:** 0563-AB79  
**BILLING CODE** 3410-08-S

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

**Proposed Rule Stage**

**140. REVIEW INSPECTION REQUIREMENTS**

**Priority:** Other Significant  
**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800.125; 7 CFR 800.135; 7 CFR 800.87  
**Legal Deadline:** None  
**Abstract:** The Agency is proposing to revise regulations under the U.S. Grain

Standards Act to allow interested persons to stipulate the quality factors that would be redetermined during a reinspection or appeal inspection for grade. Currently reinspections and appeal inspections for grade must

## USDA—GIPSA

## Proposed Rule Stage

include a review for all factors that (1) may determine the grade; (2) are reported on the original certificate; or (3) are required to be shown. The Agency has determined that mandating all quality factors be reexamined during a review inspection is inefficient, time consuming, and costly. Further, such a complete review of the preceding inspection service is usually not needed to confirm the true quality of the grain. This proposed action will allow interested parties to specify which official factors should be redetermined during the reinspection or appeal inspection service. However, to safeguard against inadvertent misgrading, official personnel may determine other factors, when deemed necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** 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, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA58

#### 141. LIVESTOCK PURCHASE OR SALE: PROHIBIT NON-REPORTING OF PRICE

**Priority:** Other Significant

**Legal Authority:** 7 USC 204; 7 USC 228

**CFR Citation:** 9 CFR 201.54

**Legal Deadline:** None

**Abstract:** Following a review of comments received in response to the ANPRM, the Agency is proposing a regulation that would make purchasing or selling livestock with the condition that the price not be reported a violation of the Packers and Stockyards Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/10/98	63 FR 48450
ANPRM Comment Period End	12/09/98	
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA65

#### 142. EXCEPTIONS TO GEOGRAPHIC AREAS FOR OFFICIAL AGENCIES UNDER THE USGSA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 71

**CFR Citation:** 7 CFR 800.81; 7 CFR 800.99; 7 CFR 800.116-.118; 7 CFR 800.185; 7 CFR 800.196

**Legal Deadline:** None

**Abstract:** The Agency is proposing to revise regulations under the U.S. Grain Standards Act to reflect the amendment made by the Grain Standards and Warehouse Improvements Act of 2000 that provides an exception under which the Secretary may determine that more than one official agency can provide inspection services in a specified geographic area.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA76

#### 143. PROHIBITION ON DISGUISED GRAIN QUALITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 71

**CFR Citation:** 7 CFR 800.61

**Legal Deadline:** None

**Abstract:** The Agency proposes to revise regulations under the U.S. Grain Standards Act to prohibit the disguising of grain quality by adding various substances during post-harvest marketing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**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, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA77

#### 144. LABORATORY PROFICIENCY PROGRAM

**Priority:** Other Significant

**Legal Authority:** 7 USC 71

**CFR Citation:** 7 CFR 800

**Legal Deadline:** None

**Abstract:** The Agency is proposing to issue regulations under the U.S. Grain Standards Act to establish a proficiency program to improve the reliability of testing for biotechnology events in grains and oilseeds.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**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, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA78

## USDA—GIPSA

## Proposed Rule Stage

**145. • FEES FOR OFFICIAL INSPECTION AND OFFICIAL WEIGHING SERVICES****Priority:** Other Significant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.71**Legal Deadline:** None

**Abstract:** GIPSA is proposing several changes in the way the Agency charges fees for official inspection and weighing services performed in the United States, under the United States

Grain Standards Act. Currently, GIPSA assesses fees by using hourly and unit rates and by assessing an administrative tonnage fee. The proposed action will increase the hourly and unit rates. GIPSA is also proposing to increase the administrative tonnage fee and adopt a new, regional fee structure.

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/02	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA80

## Department of Agriculture (USDA)

## Final Rule Stage

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

**146. TOLERANCES FOR DIVIDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71 et seq**CFR Citation:** 7 CFR 801.10**Legal Deadline:** None

**Abstract:** GIPSA proposes to remove section 801.10, Tolerance for Dividers, from the CFR. Since GIPSA no longer tests dividers, the rule is no longer needed. By using the direct final rule process, GIPSA will give the public general notice of its intent to remove the rule and provide interested persons an opportunity to participate in the rulemaking through submission of comments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**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, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA57**147. SWINE PACKER MARKETING CONTRACTS****Priority:** Other Significant**Legal Authority:** 7 USC 181; PL 106-78**CFR Citation:** 9 CFR 206**Legal Deadline:** None

**Abstract:** The Agency is issuing rules under the Packers and Stockyards Act to implement the Swine Packer Marketing Contracts subtitle of the Livestock Mandatory Reporting Act of 1999. The Agency will establish a

swine contract library and publish contract provisions on its web site.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53653
NPRM Comment Period End	10/05/00	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Room 1647 South Building, Washington, DC 20250  
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**RIN:** 0580-AA71

## Department of Agriculture (USDA)

## Completed Actions

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

**148. • FEES FOR OFFICIAL INSPECTION AND WEIGHTING SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.71**Legal Deadline:** None

**Abstract:** The Agency is increasing certain fees by approximately 4.6 percent; i.e., contract and non-contract

hourly rates, certain unit rates, and the administrative tonnage fee. These fees apply only to official inspection and weighing services performed by the Agency in the United States under the United States Grain Standards Act. These increases are needed to cover increased operational costs resulting from the approximate 4.6 percent January 2002 Federal pay increase.

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/02	67 FR 25
NPRM Comment Period End	02/01/02	
Final Rule	03/21/02	67 FR 13084
Final Rule Effective	04/22/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

## USDA—GIPSA

## Completed Actions

**Government Levels Affected:** None  
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**RIN:** 0580-AA79  
**BILLING CODE** 3410-EN-S

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

## Proposed Rule Stage

**149. SPECIAL SUPPLEMENTAL FOOD  
 PROGRAM FOR WOMEN, INFANTS,  
 AND CHILDREN (WIC):  
 MISCELLANEOUS PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This proposed rule responds to a variety of program concerns, most of which have been expressed by WIC State agencies. The proposal increases State agency flexibility regarding the sharing of participant information with other programs and streamlines Federal requirements for financial and participation reporting by State agencies. Several minor clarifications and technical corrections are also made. (89-515)

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	08/00/02	
Final Action	10/00/02	

**Regulatory Flexibility Analysis  
 Required:** No

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

**Agency Contact:** Sharon Ackerman,  
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 Service, 3101 Park Center Drive, Room  
 308, Alexandria, VA 22302  
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**RIN:** 0584-AB10

**150. INTENTIONAL PROGRAM  
 VIOLATION REPORTING AND  
 COMPUTER MATCHING  
 REQUIREMENTS THAT AFFECT THE  
 FOOD STAMP PROGRAM**

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

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

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

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

**Legal Deadline:** None

**Abstract:** This proposed rule describes requirements for State agencies to report information on individuals disqualified from the program for intentional program violations to FNS and codifies prisoner verification and death master file matching mandated by legislation and previously implemented through agency directive. (89-010)

**Timetable:**

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

**Regulatory Flexibility Analysis  
 Required:** No

**Government Levels Affected:** State,  
 Local

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**RIN:** 0584-AB51

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 272

**Legal Deadline:** None

**Abstract:** Title VI of the Civil Rights Act of 1964 requires the collection of racial/ethnic data for all programs utilizing Federal funds. State agencies are required to collect the data by racial/ethnic categories set by the Federal Government. In 1997, those

categories changed. This proposed rule would change the racial categories for State Food Stamp Program reporting to comply with the new Federal racial categories. (98-010)

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	
Final Action	09/00/03	
Final Action Effective	11/00/03	

**Regulatory Flexibility Analysis  
 Required:** No

**Government Levels Affected:** State,  
 Local

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**RIN:** 0584-AC75

**152. COMMODITY SUPPLEMENTAL  
 FOOD PROGRAM: PLAIN LANGUAGE,  
 PROGRAM ACCOUNTABILITY, AND  
 PROGRAM FLEXIBILITY**

**Priority:** Other Significant

**Legal Authority:** PL 101-624; PL 104-  
 127

**CFR Citation:** 7 CFR 247

**Legal Deadline:** None

**Abstract:** This rule will rewrite regulations pertaining to the Commodity Supplemental Food Program (7 CFR part 247) in "plain language." It will also amend regulatory provisions in this part to increase program accountability and flexibility for program operators. The rule will affect program accountability by: (1) Requiring State agencies to initiate a claim against participants for repayment of the value of program benefits obtained as a result of intentional misrepresentation; (2)

USDA—FNS

Proposed Rule Stage

extending the period that State agencies may disqualify participants for program violations to up to 1 year; (3) requiring State agencies to disqualify participants for engaging in dual participation or for other selected program violations; (4) including under program violations the physical abuse, or the threat of physical abuse, of program staff.

Amendments to increase program flexibility include: (1) Allowing the State to extend the certification of elderly persons on a fixed income for an indefinite period without a formal review of eligibility; (2) increasing the period of time the State agency has to review a local agency's application for participation; (3) allowing State agencies to request to retain more than the maximum amount of administrative funds allocated whether or not they perform warehouse services; (4) reducing the frequency of State management evaluations of local agencies; and (5) making State plans and Federal-State agreements permanent, with amendments submitted as needed.

Other miscellaneous proposed changes include: (1) Requiring local agencies to notify applicants of a decision on their application within 10 days of the date of application; (2) including the specific factors that FNS uses to determine the amount of caseload that States will receive in addition to base caseload; (3) making the caseload cycle the period from January 1 to December 31; and (4) including a pregnant woman's embryo or fetus in utero as a household member in determining the family's income eligibility.

The rule will also incorporate legislative provisions that have been implemented through program policy, including: (1) Increasing the percentage of the program appropriation, and of funds carried over from the previous year, to be allotted for administrative support of State and local agencies from 15 to 20 percent; and (2) requiring that State and local agencies provide information on certain other public assistance programs to participants. (99-005)

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302  
Phone: 703 305-2246  
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**RIN:** 0584-AC84

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

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 105-185, sec 502

**CFR Citation:** 7 CFR 277

**Legal Deadline:** Final, Statutory, October 1, 1998, Payment reduction required by law.

**Abstract:** This rule will allow State agencies to charge the FSP for its share of common costs for determining eligibility of Temporary Assistance for Needy Families (TANF) households for FSP in accordance with new HHS policy and approved cost allocation plans. (99-007)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302  
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**RIN:** 0584-AC86

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

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

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This proposed rule will amend regulations governing the WIC food packages to disallow low-iron WIC formulas in food packages for infants; revise the maximum monthly allowances and minimum requirements for certain WIC foods; revise the substitution rates for certain WIC foods and allow additional foods as alternatives; make technical adjustments in all of the food packages to accommodate newer packaging and physical forms of the WIC foods; add vegetables as a food category in Food Packages III-VII for women and children; require that State agencies make available the full maximum foods allowed in each package; revise the criteria for developing State agency proposals for alternative food packages to accommodate participant food preferences more effectively; revise the purpose, content, and requirements for Food Package III; and address general provisions that apply to all the food packages. These revisions will improve the likelihood that WIC recipients achieve the food servings recommendations of the Dietary Guidelines for Americans and nutritional recommendations, providing WIC participants with a wider variety of foods, accommodating newer packaging and physical forms of WIC foods, and providing WIC State agencies with greater flexibility in prescribing food packages, especially to accommodate participants with hardships or cultural/food preferences. (99-006)

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	01/00/03	
Final Action	06/00/03	
Final Action Effective	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses



## USDA—FNS

## Proposed Rule Stage

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

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

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**RIN:** 0584-AC90

### 155. IMPROVING ACCESS TO THE FOOD STAMP PROGRAM FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

**Priority:** Other Significant

**Legal Authority:** 42 USC 2000d

**CFR Citation:** 7 CFR 272.4(b)

**Legal Deadline:** None

**Abstract:** On August 11, 2000, the President signed an Executive order requiring Federal agencies to examine the services they provide and to develop and implement a system that ensures persons with limited English proficiency (LEP) have meaningful access to Federal health and human services programs and activities. The Executive order clarifies long-standing title VI principles that prohibit discrimination based on national origin. (00-016)

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	
Final Action	06/00/03	
Final Action Effective	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

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**RIN:** 0584-AD06

### 156. 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 to: 1) Increase the standard FDPIR resource limit from \$1750 to \$2000 per household (households that include a member or members age 60 or over shall continue to have a resource limit of \$3000); 2) allow a resource exclusion for the first \$1500 of the value of one pre-paid funeral arrangement per household member (in instances where the total value of the agreement is not already excluded because it is funded under a life insurance policy or an inaccessible trust fund); 3) allow households in which all members are elderly or disabled to be certified for up to 24 months, provided that the State agency contacts the household at least once every 12 months; and 4) allow States the option to provide transitional FDPIR benefits (for 3 months), at a minimum, to households with earnings that leave the Temporary Assistance Program for Needy Families (TANF). All of the above provisions conform to Food Stamp Program policy and will ensure consistent treatment between the two programs. (01-005)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

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**RIN:** 0584-AD12

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

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

**Legal Authority:** PL 106-387

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	
Final Action	11/00/02	
Final Action Effective	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD13

### 158. CHILD AND ADULT CARE FOOD PROGRAM (CACFP): AT-RISK AFTERSCHOOL SUPPERS

**Priority:** Substantive, Nonsignificant

**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

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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	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD15

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

**Priority:** Other Significant

**Legal Authority:** 12 USC 2021; 13 USC 2022

**CFR Citation:** 7 CFR 278.6

**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 a 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. (01-012)

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 0584-AD18

**160. • EXPANDED VERIFICATION OF ELIGIBILITY SUMMARY REQUIREMENTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1758, Sec 9(d)(2)

**CFR Citation:** 7 CFR 245

**Legal Deadline:** None

**Abstract:** Recent comparisons of National data indicate that there are more students certified for free and reduced price meals than there are students eligible for such meal benefits. As a result, the Food and Nutrition Service (FNS) plans to propose regulations to address this discrepancy. FNS plans to publish proposed regulations to require local school food authorities to report verification activity and results to their respective State agency to support State agency oversight activities and to allow States to report the school level data to USDA. Results will provide USDA with information that will assist in improving the certification of eligibility for free and reduced price meal benefits. (01-015)

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD20

**161. • FOOD STAMP PROGRAM: SIMPLIFICATION AND STATE FLEXIBILITY**

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

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

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

**Legal Deadline:** None

**Abstract:** This action will 1) propose to streamline the regulations by removing unnecessary or redundant provisions and reorganizing several sections; 2) propose to increase State flexibility by moving overly prescriptive regulations; 3) re-propose several provisions that were proposed in a previous rule, the Noncitizen Eligibility Certification Provisions (NECP) of Pub. L. 104-193, as amended by Public Laws 104-208, 105-33, and 105-185, published on February 29, 2000, but were not accepted in the final NECP rule published on November 21, 2001; 4) propose to remove or revise several provisions that were finalized in the NECP final rule; and 5) propose to incorporate current policy from the Food Stamp Program's Policy Interpretation Response System (PIRS). (01-018).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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## USDA—FNS

## Proposed Rule Stage

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RIN: 0584-AD22

**162. • FOOD STAMP PROGRAM: ADMINISTRATIVE REVIEW REQUIREMENTS—FOOD RETAILERS/WHOLESALEERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 2011 to 2036**CFR Citation:** 7 CFR 278; 7 CFR 279**Legal Deadline:** None**Abstract:** The rule proposes to streamline and make technical corrections to the administrative review process by amending portions of current regulations provided in parts

278 and 279. It would eliminate repetitious, outdated and unnecessary provisions without taking away a business's right to an administrative review or a judicial review. It would also eliminate formal procedures for face-to-face meetings with review officers. There are very few requests for such reviews, and because administrative review decisions are based on documented facts and not on face-to-face meetings, these meetings are unnecessary and ineffective. (02-001)

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

Action	Date	FR Cite
NPRM Comment Period End	10/00/02	

**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, 3101 Park Center Drive, Room 308, Alexandria, VA 22302

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RIN: 0584-AD23

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

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**163. WIC: REQUIREMENTS FOR AND EVALUATION OF WIC PROGRAM REQUESTS FOR BIDS FOR INFANT FORMULA REBATE CONTRACTS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** None

**Abstract:** At the time the current cost containment regulations were published in 1989, there were only minor differences in infant formula wholesale prices and few differences in types of infant formulas offered by manufacturers; i.e., milk- and soy-based infant formula. However, current wholesale prices vary considerably among manufacturers for similar formulas and several new infant formulas have emerged on the market over the last decade. Therefore, to reflect market changes in the infant formula industry and to optimize competition in the WIC Program's infant formula rebate contracts, this interim rule would require WIC State agencies to award infant formula rebate contracts based on the lowest net price, allowing highest gross rebate as a basis of award only when retail prices of the different brands of infant formula vary, on average, by 5 percent or less. Additionally, this rule would define the types and forms of infant formula that must be included in cost containment systems. It would also expand on conditions that must be met for the

issuance of infant formulas not covered by rebate contracts. (92-013)

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/98	63 FR 38343
NPRM Comment Period End	09/14/98	
Interim Final Rule Effective	08/23/00	65 FR 51213
Interim Final Rule Implementation Date	10/23/00	
Interim Final Rule Comment Period End	11/21/00	
Interim Final Rule Comment Period End	08/23/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302

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RIN: 0584-AB52

**164. FOOD STAMP PROGRAM: ANTICIPATING INCOME AND REPORTING CHANGES****Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2032**CFR Citation:** 7 CFR 272; 7 CFR 273**Legal Deadline:** None

**Abstract:** This rule revises Food Stamp Program procedures for reporting and acting on changes in earned income. The changes are designed to increase State agency flexibility and improve procedures for determining the eligibility and benefits of households whose income fluctuates unpredictably. Under this rule, State agencies would choose from four different reporting requirements for households with earned income. The reporting requirement a State agency selects would replace the current requirement that households report a change of more than \$25 in earned income. In addition to reporting a change in source of income, households would be required to report one of the following: A change in wage rate or salary and a change in part-time or full-time status, provided the household is certified for no more than 3 months; a change in wage rate or salary and a change of more than 5 hours a week that is expected to continue for more than a month; or a change in the amount earned of more than \$100 a month. The reporting requirement for changes in unearned income would be increased to changes of more than \$50

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a month from the current threshold of changes of more than \$25 a month. In addition to the above reporting options, State agencies would also be able to select the option of requiring households to report changes through a quarterly reporting system rather than at the time the changes become known to the household. (93-005)

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/96	61 FR 66233
NPRM Comment Period End	02/18/97	
Final Action	06/00/02	

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

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**RIN:** 0584-AB57**165. CHILD AND ADULT CARE FOOD PROGRAM: IMPROVING MANAGEMENT AND PROGRAM INTEGRITY****Priority:** Other Significant**Legal Authority:** 42 USC 1766; PL 103-448; PL 104-193; PL 105-336**CFR Citation:** 7 CFR 226**Legal Deadline:** None

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

Reauthorization Act of 1998 (Pub. L. 105-336).

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/00	65 FR 55103
NPRM Comment Period End	12/11/00	
Interim Final Rule	12/00/02	
Interim Final Rule Effective	01/00/03	

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

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

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**RIN:** 0584-AC24**166. 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 proposes revisions to food stamp regulations affecting the standards and administration of EBT systems for food stamp issuance. Current regulations at 7 CFR 274.12 delineate the standards that EBT systems must meet in order to be approved for operation. This rule will revise those regulations to provide the State agency more flexibility in implementing and operating those systems. Clarifications and FNS settlement improvements will also be incorporated into the rule. (96-016)

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/01	66 FR 36495
NPRM Comment Period End	09/10/01	
Final Action	07/00/02	

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

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**RIN:** 0584-AC37**167. FOOD STAMP PROGRAM: WORK PROVISIONS OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 AND THE FOOD STAMP PROVISIONS OF THE BALANCED BUDGET ACT OF 1997****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 104-193**CFR Citation:** 7 CFR 273.7; 7 CFR 273.22; 7 CFR 273.24**Legal Deadline:** None

**Abstract:** This proposed rule will implement revisions to the Food Stamp Program's work and employment and training requirements, as well as new provisions for a work supplementation or support program and an employment initiative program. (96-025)

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/99	64 FR 72196
NPRM Comment Period End	02/22/00	
Final Action	05/00/02	

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

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## USDA—FNS

## Final Rule Stage

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RIN: 0584-AC45

### 168. 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 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	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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RIN: 0584-AC72

### 169. FSP: ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEMS INTEROPERABILITY AND PORTABILITY

**Priority:** Other Significant

**Legal Authority:** PL 106-171

**CFR Citation:** 7 CFR 272.1; 7 CFR 274.12

**Legal Deadline:** Other, Statutory, September 7, 2000, PL 106-171, sec 3. Other, Statutory, February 11, 2001, PL 106-171, sec 4.

Other, Statutory, October 1, 2002, PL 106-171, sec 3.

**Abstract:** This rule revises Food Stamp regulations to ensure that recipients can use their electronic food stamp benefits across State borders by requiring interoperable State electronic issuance systems. The regulations establish uniform national standards to achieve this requirement. Also, 100 percent funding is available under the regulation to pay for the operational cost of this functionality up to a national limit of \$500,000. Costs beyond this level will be covered at the standard 50 percent program reimbursement rate for State administrative costs. (00-001)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/15/00	65 FR 49719
Interim Final Rule Effective	09/19/00	
Interim Final Rule Comment Period End	11/13/00	
Final Action	10/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0584-AC91

### 170. 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 interim 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	07/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

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RIN: 0584-AC94

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**171. SPECIAL NUTRITION PROGRAMS: DISCLOSURE OF CHILDREN'S ELIGIBILITY INFORMATION UNDER THE CHILD NUTRITION PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 106-224, sec 242; PL 103-448, sec 108**CFR Citation:** 7 CFR 215; 7 CFR 225; 7 CFR 226; 7 CFR 245**Legal Deadline:** Final, Statutory, October 20, 2000.

**Abstract:** This rule establishes requirements for the disclosure of children's free and reduced price meal and free milk eligibility information by agencies that make the free and reduced price meal or free milk determination under the National School Lunch Program, the School Breakfast Program, the Special Milk Program, the Child and Adult Care Food Program, and the Summer Food Service Program. The rule responds to amendments to the Richard B. Russell National School Lunch Act, which allow limited disclosure of children's free and reduced price meal or free milk eligibility information, Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994; and Public Law 106-224, the Agricultural Risk Protection Act of 2000; 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 is withdrawn, and the final provisions will be issued under RIN 0584-AC95. The final rule will adopt or modify as necessary many of the provisions mandated by the statute and required by the interim rule. Many of these same provisions were presented as recommendations in the proposed rule. The objective is to provide consistency in procedures when determining agencies opt to disclose children's eligibility information and to provide some protection against unauthorized disclosures and misuse of personal information, regardless of whether the disclosure is to Medicaid or SCHIP or

to an education or other program. (00-004)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	
Interim Final Rule	01/11/01	66 FR 2195
Interim Final Rule Comment Period End	04/11/01	
Final Action	10/00/02	

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

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**RIN:** 0584-AC95**172. IMPLEMENTATION OF POULTRY SUBSTITUTION PILOT AS PERMANENT AND MODIFICATION OF COMMODITY RECORDKEEPING REQUIREMENTS****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 250.14; 7 CFR 250.16; 7 CFR 250.30**Legal Deadline:** None

**Abstract:** 1) Poultry and fruit and vegetables may currently be substituted for commodities under pilots and waivers. Due to the success of these programs, the regulations will be changed to allow such commercial substitution on a permanent basis. 2) Due to changes in the commercial market and the food donation program, the Department will allow vendors to use their own labels in place of USDA donated labels for school programs. This will complicate school's recordkeeping and inventory procedures. The regulations will be

modified to accommodate the change in labels. (01-001)

**Timetable:**

Action	Date	FR Cite
NPRM	02/21/02	67 FR 7977
NPRM Comment Period End	04/22/02	
Final Action	09/00/02	

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

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**RIN:** 0584-AD08**173. SPECIAL NUTRITION PROGRAMS: UNIFORM FEDERAL ASSISTANCE REGULATIONS; NONDISCRETIONARY TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503, 111 and 7501; PL 98-502; PL 104-156**CFR Citation:** 7 CFR 210, 215, 220, 225, and 235**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	09/00/02	

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

## USDA—FNS

## Final Rule Stage

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**RIN:** 0584—AD16

**174. • NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM, AND CHILD AND ADULT CARE FOOD PROGRAM—AMENDMENTS TO THE INFANT MEAL PATTERN**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 210; 7 CFR 220; 7 CFR 226

**Legal Deadline:** None

**Abstract:** This final rule amends the regulations for the National School Lunch Program (7 CFR 210.10), the

School Breakfast Program (7 CFR 220.8), and the Child and Adult Care Food Program (7 CFR 226.20) to (1) eliminate the option of serving whole cow's milk to infants between the ages of 8 months and one year in lieu of infant formula or breast milk and (2) permit reimbursement for meals containing only breast milk. The first provision responds to scientific evidence indicating that whole cow's milk is nutritionally deficient compared to breast milk and formula and can produce harmful effects when consumed by children less than 1 year old. The second provision is intended to give infants that are less than 4 months old an amount of breast milk less than the minimum requirement when the infants consistently do not want the full minimum amount. This provision is intended to prevent wasting any of this very limited food item. Finally, this regulation incorporates some technical amendments designed to clarify

requirements and provide consistency among the three programs. (95-005)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/15/99	64 FR 61770
Interim Final Rule Effective	12/15/99	
Interim Final Rule Comment Period End	05/15/00	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584—AD26

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

**Long-Term Actions**

**175. STATE ADMINISTRATIVE EXPENSE FUNDS: PLAIN LANGUAGE REWRITE**

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

**CFR Citation:** 7 CFR 235

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0584—AC96

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584—AC97

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**RIN:** 0584—AC98

**178. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 251, THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)**

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

**CFR Citation:** 7 CFR 251

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584—AC99

**176. SPECIAL MILK PROGRAM FOR CHILDREN: PLAIN LANGUAGE REVISION AND REORGANIZATION**

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

**CFR Citation:** 7 CFR 215

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**177. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 250, DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION**

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

**CFR Citation:** 7 CFR 250

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

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

## USDA—FNS

## Long-Term Actions

**179. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 252, THE NATIONAL COMMODITY PROCESSING PROGRAM (NCP)**

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

**CFR Citation:** 7 CFR 252

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD00

**180. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 253, THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR)**

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

**CFR Citation:** 7 CFR 253

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD01

**181. FOOD DISTRIBUTION PROGRAMS: PLAIN LANGUAGE REWRITE OF 7 CFR PART 254, THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR) IN OKLAHOMA**

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

**CFR Citation:** 7 CFR 254

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD02

**182. NUTRITION EDUCATION AND TRAINING PROGRAM: PLAIN LANGUAGE REWRITE OF 7 CFR PART 227**

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

**CFR Citation:** 7 CFR 227

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD03

**183. STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS**

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

**CFR Citation:** 7 CFR 276

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD04

**184. PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES**

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

**CFR Citation:** 7 CFR 277

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD05

**185. SCHOOL BREAKFAST PROGRAM: PLAIN LANGUAGE REVISION AND REORGANIZATION**

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

**CFR Citation:** 7 CFR 220

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD10

**186. WIC: PLAIN LANGUAGE REWRITE OF 7 CFR PART 248, FARMERS' MARKET NUTRITION PROGRAM**

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

**CFR Citation:** 7 CFR 248

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AD11

**187. • CNP: PLAIN LANGUAGE REWRITE OF 7 CFR PART 225, SUMMER FOOD SERVICE PROGRAM**

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

**Legal Authority:** 42 USC 1758, 1761 and 1762a

**CFR Citation:** 7 CFR 225

**Legal Deadline:** None

**Abstract:** This rule makes no changes in the meaning of the Summer Food



## USDA—FNS

## Long-Term Actions

Service Program regulations; it is only a reorganization and rewriting of the existing text in plain language. Our goal in rewriting is simple and two-fold: allow the reader to quickly find and understand desired subject matter. The rewrite accomplishes our first goal by presenting material in a more logical sequence where needed, and most importantly, by splitting the text into much smaller and more easily scanned units. We have greatly increased the number of sections within the part, also increased the number of paragraphs within each of the new sections, and made greater use of italicized headings. By increasing the number of sections, we have "flattened" the regulation's structure. This in turn generally allows the elimination of at least one level of

codification, despite the increased number of paragraphs and subparagraphs within each section. The result is much easier scanning of the sections for subject matter, further aided by the italicized headings. Each section is headed by a question on a major aspect of the regulations, which is then answered in the headings and paragraphs which follow. Finally, our second goal, greater comprehensibility, is accomplished by the use of shorter sentences, the active voice, and common words, except for necessary technical terms. (01-011)

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

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

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**RIN:** 0584-AD17
**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)**

## Completed Actions

**188. DETERMINING ELIGIBILITY FOR FREE AND REDUCED-PRICE MEALS AND FREE MILK IN SCHOOLS: PROVISION 2 AND PROVISION 3**
**Priority:** Other Significant**CFR Citation:** 7 CFR 245**Completed:**

Reason	Date	FR Cite
Final Action	09/20/01	66 FR 48323

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 0584-AC25**BILLING CODE** 3410-30-S
**Department of Agriculture (USDA)  
Food Safety and Inspection Service (FSIS)**

## Prerule Stage

**189. POULTRY INSPECTION: REVISION OF FINISHED PRODUCT STANDARDS WITH RESPECT TO INGESTA**

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

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

**CFR Citation:** 9 CFR 381**Legal Deadline:** None

**Abstract:** FSIS is seeking to clarify its Poultry Inspection regulations regarding visible ingesta on poultry carcasses and parts. A preliminary regulatory impact analysis conducted by FSIS determined that costs to achieve a zero tolerance for ingesta far outweighed benefits. This action was precipitated by a civil suit filed against USDA.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC77
**190. • STANDARDS AND LABELING REQUIREMENTS FOR MECHANICALLY SEPARATED (SPECIES) AND PRODUCTS IN WHICH IT IS USED (SECTION 610 REVIEW)**
**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610 (c)

**CFR Citation:** 9 CFR 317.2(j)(13); 9 CFR 319.5(a)

**Legal Deadline:** Other, Statutory, April 2003, Review must be completed within the 12 months succeeding this publication. Provisions of the RFA mandate that all reviews be conducted and completed within the 12 months succeeding this publication.

**Abstract:** Brief Description:

On June 29, 1982, the Department of Agriculture amended the Federal meat inspection regulations with promulgation of the final rule (47 FR

USDA—FSIS

Prerule Stage

28214) to (1) modify the definition, standard, and permitted use for the finely comminuted product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle of livestock carcasses and parts of carcasses, and the labeling requirements for meat food products in which it is used as an ingredient; and (2) to establish labeling requirements for such products.

Promulgation Purpose and Legal Basis:

Sections 1(m), (n), 7 and 10 of the Federal Meat Inspection Act (FMIA) established the Secretary of Agriculture's statutory responsibility for ensuring that meat and meat food products, prepared and intended to be distributed in commerce, are not adulterated, misbranded or improperly marked, labeled, and packaged. (21 U.S.C. 601 (m)(n), 607, 610) The final rule governing the production and use of mechanically separated species was issued in 1978 (43 FR 26416). However, despite the availability of technology and raw materials, a potential food source was not being made available to the general public. In the interim, the Pacific Coast Meat Association (PCMA) and the American Meat Institute (AMI) contended that its failure to market products containing Mechanically Processed (Species) Product (MP(S)P) was due to regulatory requirements that extended beyond the perimeters necessary to protect the public, and argued that they were effectively precluded from producing or

marketing mechanically deboned beef, pork, veal, or lamb by the misleading labeling and the unreasonable compositional standards imposed by the regulations. PCMA and the AMI petitioned the agency to reconsider the requirements in light of information compiled since the promulgation of the 1978 regulations. PCMA and AMI submitted a report on a series of consumer focus groups' sessions exploring attitudes towards various types of meat food product labeling, and as a result of an analysis of the economic impacts of the 1978 rule and the Agency's internal review and re-evaluation of its regulations in accordance with Executive Order 12291 (now Executive Order 12866), the Department decided to amend the requirements and issue a new final rule entitled "Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used."

This regulation will be reviewed under the Regulatory Flexibility Act's Section 610 provisions within the succeeding twelve months. As such, the Food Safety and Inspection Service (FSIS) invites all interested parties to submit comments on: (1) the continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicated or conflicts with other Federal, State and local rules; (4) the nature of complaints or comments received concerning the rule from the public; and (5) the technology and economic conditions, or other factors,

which have changed the specific area affected by the rule. Copies of comments may be submitted to the Docket Clerk within 30 days after this publication at: United States Department of Agriculture, Food Safety & Inspection Service, Office of Policy, Program Development and Evaluation, Regulations and Directives Development Staff, 300 12th Street SW, Room 112, Washington, DC 20250-3700.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Businesses, Organizations

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Referencing docket number 81-016F, 47 FR 28214

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RIN: 0583-AC90

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

Proposed Rule Stage

191. GRANT AND INAUGURATION OF INSPECTION

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

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 304; 9 CFR 305

Legal Deadline: None

Abstract: FSIS is proposing to clarify the regulations in 9 CFR parts 304 and 305, which provide for grant and inauguration of inspection in meat and poultry establishments to address issues raised by the Office of Inspector General and others.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 0583-AC07

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

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

Unfunded Mandates: Undetermined

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

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

## USDA—FSIS

## Proposed Rule Stage

**Legal Deadline:** None

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

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

This proposal would also recodify the ante-mortem and post-mortem inspection regulations for livestock and poultry. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations concerning livestock and meat carcasses and parts, and those concerning poultry carcasses and parts, would be designated to the same parts

and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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**RIN:** 0583-AC43

**193. REQUIREMENTS FOR DISPOSITION AND DISPOSAL OF INSPECTED RAW MEAT AND POULTRY PRODUCTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 7 USC 450; 21 USC 451 to 470 et seq; 21 USC 601 to 695 et seq; 7 USC 1901 to 1906

**CFR Citation:** 9 CFR 311; 9 CFR 314; 9 CFR 320; 9 CFR 325; 9 CFR 381; 9 CFR 428; 9 CFR 455

**Legal Deadline:** None

**Abstract:** FSIS is proposing to reform the regulations governing the disposition of inspected raw meat and poultry products and the disposal of such products that are condemned or otherwise inedible. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today. Others are duplicative regulations applying separately to meat and to poultry that should be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. The proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on the disposition and disposal of inspected raw products. Among these regulations are those concerning the handling of raw product moving between official establishments and the disposal of condemned or inedible carcasses and parts. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

This proposal would convert to performance standards the regulations governing the disposition, handling,

## USDA—FSIS

## Proposed Rule Stage

and disposal of raw carcasses and parts. The Agency believes this alternative would offer the best prospect of permitting the efficient and effective implementation of HACCP and of maximizing the flexibility official establishments and other entities have to adopt technological and other innovations that could increase the assurance of food safety.

This proposal would also recodify the regulations on the disposition, handling, and disposal of raw meat and poultry products. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations affecting both meat and poultry would be designated to the same parts and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

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

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**RIN:** 0583-AC44**194. PERFORMANCE STANDARDS FOR BACON****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 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 bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that require the Agency to test pumped bacon for nitrosamines and to remove

provisions that prescribe the substances and amounts of such substances that must be used to produce pumped bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped bacon must meet. To meet the proposed performance standard, the process used would be required to limit the presence of nitrosamines when the product is cooked. Under the hazard analysis and critical control points (HACCP) system, establishments would incorporate the proposed performance standard into their HACCP plans.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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**RIN:** 0583-AC49**195. EGG AND EGG PRODUCTS INSPECTION REGULATIONS****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 21 USC 1031 to 1056

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

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to require shell egg packers and egg products plants to develop and implement Hazard Analysis and Critical Control Points (HACCP) systems and Sanitation Standard Operating Procedures (SOPs). FSIS also is proposing pathogen reduction performance standards that would be applicable to pasteurized shell eggs and

egg products. Plants would be expected to develop HACCP systems that ensure products meet the pathogen reduction performance standards. Finally, FSIS is proposing to amend the Federal egg and egg products inspection regulations by removing current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to their use in official plants. The Agency also plans to eliminate the prior label approval system for egg products.

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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

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**RIN:** 0583-AC58**196. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 451 to 470; 21 USC 601 to 695

## USDA—FSIS

## Proposed Rule Stage

**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 labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart A, and part 381, subpart N, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

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**RIN:** 0583-AC59

### 197. PATHOGEN REDUCTION; HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP) SYSTEMS; ADDITIONS TO GENERIC E. COLI CRITERIA

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 310; 9 CFR 381

**Legal Deadline:** None

**Abstract:** FSIS is proposing to add generic E. coli criteria to the regulations. In addition, FSIS is proposing to revise the terms used to identify and define certain classes of product listed in the Salmonella tables.

FSIS is proposing to delay making the proposed criteria and standards applicable for 1 year for small establishments and for 2 years for very small establishments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC63

### 198. FOOD STANDARDS; GUIDING PRINCIPLES AND FOOD STANDARDS MODERNIZATION

**Priority:** Other Significant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) are proposing to modernize their food standards. The agencies are proposing a set of guiding principles that define how modern food standards should be structured to protect the interest of consumers, provide 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. If this proposed rule is adopted, the agencies will not consider a petition to establish, revise, or eliminate a standard unless the proposed action is consistent with these guiding principles. If this proposed rule is adopted, the agencies may publish proposed rules to establish, revise, or eliminate standards based on petitions fulfilling the requirements of this proposal that they receive.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250  
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**RIN:** 0583-AC72

### 199. 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 must 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	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

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**RIN:** 0583-AC81

USDA—FSIS

Proposed Rule Stage

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

**Priority:** Other Significant

**Legal Authority:** 21 USC 451

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250  
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**RIN:** 0583-AC83

**201. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY (SECTION 610 REVIEW)**

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 381.66

**Legal Deadline:** None

**Abstract:** FSIS is proposing to eliminate the time and temperature requirements for chilling ready-to-cook poultry carcasses and giblets. The Agency is taking this action because the requirements are inconsistent with the Agency's Pathogen Reduction/Hazard Analysis and Critical Control Point (HACCP) System regulations, with its final rule further restricting retained water in raw meat and poultry, and

with the Agency's regulatory reform program. Moreover, because of these regulations, the meat and poultry industries receive disparate regulatory treatment: No regulations that apply to the chilling of poultry apply to the chilling of meat. This proposal responds to longstanding petitions by industry trade associations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0583-AC87

Department of Agriculture (USDA)

Final Rule Stage

Food Safety and Inspection Service (FSIS)

**202. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 319

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations by removing a meat yield requirement for the standardized products "Beef With Barbecue Sauce" and "Pork With Barbecue Sauce." Current regulations for these products require that the product contain not less than 50 percent of the species identified on the label and that the weight of the cooked pork or beef not exceed 70 percent of the uncooked weight of the meat. The first requirement is consistent with other meat and sauce requirements, but the second requirement is not. The petitioner asserts that the product

standard (promulgated in 1952) does not reflect current production practices or the commercial marketability of beef or pork with barbecue sauce. The petitioner further states that producers of these products are at a competitive disadvantage with other meat and sauce producers, because other meat and sauce producers do not have a 70 percent yield requirement. For example, producers of the standardized products "Beef with Gravy," "Meat Pies," and "Spaghetti with Meat and Sauce" and similar standardized products do not have any meat yield requirements.

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/97	62 FR 46450
NPRM Comment Period End	11/03/97	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC09

## USDA—FSIS

## Final Rule Stage

**203. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS****Priority:** Economically Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq**CFR Citation:** 9 CFR 317; 9 CFR 381; 9 CFR 430**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End	05/29/01	
NPRM Extended Comment Period	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	
Final Action	12/00/02	

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

Undetermined

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**RIN:** 0583-AC46**204. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND RECOVERY SYSTEMS****Priority:** Economically Significant**Legal Authority:** 21 USC 601 to 695**CFR Citation:** 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1(b)(10)**Legal Deadline:** None

**Abstract:** In 1994, the Food Safety and Inspection Service amended its regulations to recognize that product resulting from advanced meat/bone separation machinery comes within the definition of meat when recovery systems are operated to assure that the characteristics and composition of the resulting product are consistent with those of meat. Subsequent compliance problems and other concerns have made it apparent that the regulations are inadequate to prevent misbranding and economic adulteration. Therefore, FSIS is developing a rule to clarify the regulations and supplement the rules for assuring compliance.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/98	63 FR 17959
NPRM Comment Period End	06/12/98	
Final Action	10/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None

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**RIN:** 0583-AC51**205. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 602 et seq; 21 USC 451 et seq; 21 USC 321 et seq**CFR Citation:** 9 CFR 318.7; 9 CFR 381.147**Legal Deadline:** None

**Abstract:** This final rule will amend the meat and poultry inspection regulations by completing earlier efforts to incorporate current listings in 9 CFR into 21 CFR.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/02	

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

**Agency Contact:** Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250  
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**RIN:** 0583-AC69**206. PERFORMANCE STANDARDS FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES****Priority:** Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 9 CFR 424**Legal Deadline:** None

**Abstract:** This rule is proposing to allow, on a voluntary basis, the on-line reprocessing of pre-chill poultry carcasses that are accidentally contaminated with digestive tract contents during slaughter. The treated carcasses must meet pre-chill performance standards that are substantially lower than the current performance standard and criteria.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment Period End	01/30/01	
Final Action	06/00/02	

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

## USDA—FSIS

## Final Rule Stage

**Government Levels Affected:** None

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**RIN:** 0583-AC73

**207. SHARING RECALL DISTRIBUTION LISTS WITH STATE AND OTHER FEDERAL GOVERNMENT AGENCIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 552; 7 CFR 1.3; 7 CFR 2.7

**CFR Citation:** 9 CFR 390

**Legal Deadline:** None

**Abstract:** FSIS will add regulations concerning sharing distribution lists with State and other Federal Government agencies during a food recall.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/00	65 FR 56503
NPRM Comment Period End	11/20/00	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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**RIN:** 0583-AC75

**208. AGENCY ORGANIZATION**

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

**Legal Authority:** 21 USC 451 to 470; 21 USC 601 to 695; 21 USC 1031 to 1056

**CFR Citation:** 9 CFR 300; 9 CFR 301; 9 CFR 306; 9 CFR 320; 9 CFR 381; 9 CFR 590

**Legal Deadline:** None

**Abstract:** This rulemaking will amend FSIS's regulations adopted under the FMIA, PPIA, and EPIA by updating and consolidating organizational provisions.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC78

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/95	60 FR 67474
NPRM Comment Period End	02/27/96	
Final Action	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC82



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

**Long-Term Actions**

**210. TRANSPORTATION, STORAGE, AND OTHER HANDLING OF POTENTIALLY HAZARDOUS FOODS**

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

**CFR Citation:** 9 CFR 308; 9 CFR 317; 9 CFR 325; 9 CFR 381

**Timetable:**

Action	Date	FR Cite
ANPRM	11/22/96	61 FR 59372
ANPRM Comment Period End	02/20/97	
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 0583-AC05

**211. REWORKING OF MEAT AND POULTRY CARCASSES ACCIDENTALLY CONTAMINATED DURING EVISCERATION**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 310; 9 CFR 381; 9 CFR 433

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC53

**212. REFORM OF REGULATIONS ON IMPORTED MEAT AND POULTRY PRODUCTS**

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC56

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

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/01	66 FR 4970
NPRM Comment Period End	04/18/01	
NPRM Comment Period End	07/17/01	
Extension of Comment Period	07/20/01	66 FR 20213
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Robert Post

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**RIN:** 0583-AC60

**214. FOOD LABELING; NUTRIENT CONTENT CLAIMS, DEFINITION OF THE TERM HEALTHY**

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/99	64 FR 72490
Interim Final Rule Comment Period End	01/27/00	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Post

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**RIN:** 0583-AC65

**215. ELIMINATION OF REQUIREMENTS FOR TOTAL QUALITY CONTROL SYSTEMS**

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

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**RIN:** 0583-AC68

**216. EMERGENCY REGULATIONS TO PREVENT MEAT FOOD AND MEAT PRODUCTS THAT MAY CONTAIN THE BSE AGENT FROM ENTERING COMMERCE**

**Priority:** Economically Significant.

Major status under 5 USC 801 is undetermined.

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 0583-AC88

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Completed Actions**
**217. LABELING OF NATURAL OR REGENERATED COLLAGEN SAUSAGE CASINGS**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	08/06/01	66 FR 40843

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC80

**218. MANDATORY INSPECTION OF RATITES AND SQUABS**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 361; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
Final Rule	03/22/02	67 FR 13253

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Arshad Hussain

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**RIN:** 0583-AC84

**219. INCREASES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICES—FISCAL YEAR (FY) 2002**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 391.2

**Completed:**

Reason	Date	FR Cite
NPRM	10/16/01	66 FR 52548
Final Action	01/24/02	67 FR 3428

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC89

**BILLING CODE 3410-DM-S**

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Proposed Rule Stage**
**220. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO PROMOTE U.S. AGRICULTURAL EXPORTS TO EMERGING MARKETS (EMERGING MARKETS PROGRAM)**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This rule proposes to establish regulations applicable to the Emerging Markets Program, currently authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 and amended by the Federal Agriculture Improvement and Reform Act of 1996. The Emerging Markets Program currently operates under agency guidelines. The proposed rule would amend and codify the existing guidelines. Codification of the

guidelines should not change program administration noticeably. Because the program is already in operation under agency guidelines, this proposal would have no significant impact on the U.S. economy.

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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**RIN:** 0551-AA62

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Final Rule Stage**
**221. PROGRAM TO ASSIST U.S. PRODUCERS IN DEVELOPING DOMESTIC MARKETS FOR VALUE-ADDED WHEAT GLUTEN AND WHEAT STARCH PRODUCTS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 714c

**CFR Citation:** 7 CFR 1482

**Legal Deadline:** None

**Abstract:** The rule provides for a 2-year program to assist U.S. wheat gluten producers in fully adjusting to import competition by transitioning the industry from production of basic bulk

commodities to production of value-added commodities where the market potential is more viable. U.S. producers of wheat gluten, who meet the eligibility requirements of the rule and submit the required market development plans, will receive an

## USDA—FAS

## Final Rule Stage

annual lump sum payment by CCC to conduct specific program activities aimed at facilitating the transition to value-added wheat gluten products for sale in the domestic market.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/01	66 FR 30801
Interim Final Rule Comment Period End	07/09/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0551-AA60

**222. FREEDOM OF INFORMATION ACT (FOIA) REGULATIONS FOR THE FOREIGN AGRICULTURAL SERVICE**

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

**Legal Authority:** 5 USC 552

**CFR Citation:** 7 CFR 1

**Legal Deadline:** None

**Abstract:** This final rule is issued in accordance with the regulations of the Secretary of Agriculture, 7 CFR part 1—Administrative Regulations, subpart A—Official Records, 1.3, Agency Implementing Regulations, for the Freedom of Information Act (5 U.S.C. 552).

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0551-AA61

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

## Long-Term Actions

**223. CCC SUPPLIER CREDIT GUARANTEE PROGRAM**

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

**CFR Citation:** 7 CFR 1493

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0551-AA30

**224. FACILITY GUARANTEE PROGRAM**

**Priority:** Other Significant

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

**Timetable:**

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

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0551-AA35

**BILLING CODE 3410-10-S**

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Proposed Rule Stage****225. HYDROPOWER APPLICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 551; 43 USC 1761**CFR Citation:** 36 CFR 251**Legal Deadline:** None

**Abstract:** The Forest Service is revising its current policy and procedures, implemented in February 1987, concerning administration of hydropower authorizations and the processing of proposals for hydropower projects affecting National Forest System lands. These revisions are necessary to make Agency policy and procedures consistent with regulatory changes by the Federal Energy Regulatory Commission (FERC). The proposed policy was published in the Federal Register on May 22, 1995 (60 FR 27153), for a 60-day public comment period, which was extended for another 45 days (60 FR 36401). As a result of the comments received, substantial changes were made to the proposed policy (60 FR 36401). Therefore, the Forest Service is publishing a revised proposed policy for public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/95	60 FR 27153
NPRM Comment Period Extended	07/17/95	60 FR 36401
NPRM Comment Period End	09/05/95	
Second NPRM	01/00/03	
Second NPRM Comment Period End	03/00/03	

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

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**RIN:** 0596-AA47**226. SMALL TRACTS ACT REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 521(c) to 521(i)**CFR Citation:** 36 CFR 254**Legal Deadline:** None

**Abstract:** Implementation of the Agency's Small Tracts regulations (adopted in 1984) has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

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

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**RIN:** 0596-AA79**227. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 620 et seq**CFR Citation:** 36 CFR 223.200**Legal Deadline:** None

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

timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in section (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary determines, through rulemaking, to be surplus to domestic manufacturing needs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

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

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**RIN:** 0596-AB27**228. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; EXTENSION OF TIMBER SALE CONTRACTS TO PERMIT URGENT REMOVAL OF OTHER TIMBER****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a; 16 USC 618; 16 USC 620**CFR Citation:** 36 CFR 223.50; 36 CFR 223.53**Legal Deadline:** None

**Abstract:** This rule and policy change will provide for extension of National Forest System (NFS) timber sale contracts when such extension will permit the prompt removal and utilization of non-NFS timber damaged by catastrophic events. The change will define the responsibilities of the parties for requesting and approving such extensions and specify when such

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extension should be approved. This change will also allow for the use of scarce timber resources and the recovery of economic benefits from timber that might otherwise be lost because of contractual obligations to harvest undamaged timber.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0596-AB48

**229. 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:** In February 1994, the Forest Service published proposed rule changes for parts 261 and 262 of title 36 of the Code of Federal Regulations. Due to the high level of interest in and comment on part 261, the decision was made to publish a second proposed rule. The majority of the public comment on part 262 referred to the definition section, which has been revised to respond to those comments. The Forest Service has decided to issue a second proposed rule for comment only on part 262, Law Enforcement Support Activities. Proposed revisions to part 261 will proceed separately.

In addition, the proposed amendment to 36 CFR part 262, Law Enforcement Support Activities, would amend the rules that govern monetary rewards and payments for information leading to the arrest and conviction of people who harm natural resources or threaten employees. The proposed rule would remove established rewards for

damaging or stealing yew trees, the natural source of taxol, as taxol is now produced synthetically. The change also would clarify the procedures in subpart B for administrative impoundments and removals of livestock, dogs, and personal property.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	10/00/02	
Second NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB61

**230. NONCOMPETITIVE SALE OF TIMBER**

**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 removing references to section 2001(k) of Public Law 104-19 (109 Stat. 246) and define "extraordinary conditions" to allow forest officers, without advertisement, to make modifications to timber and forest product sales, which result in the substitution of timber or forest products from outside the sale area specified in the contract. Under the proposed rule, substitute timber or forest products would have to come from the same administrative national forest and meet Agency requirements for compliance with the National Environmental Policy Act and other environmental laws. This proposed rule would not compel a timber purchaser to accept a timber sale modification offered under this rule. The rule only authorizes the Forest Service to propose modifications and to enter into discussions with purchasers on such modifications.

This proposed rule will reduce timber sale cancellations and partial cancellations, thus reducing future damage claims on timber sales.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB70

**231. LAND USES; SPECIAL USES REQUIRING AUTHORIZATIONS**

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

**Legal Authority:** 16 USC 477 to 482; 16 USC 551; 43 USC 1761 to 1771

**CFR Citation:** 36 CFR 251.50

**Legal Deadline:** None

**Abstract:** In April 1997, the Forest Service completed a reengineering study of its special uses program on how to manage the program in a more businesslike, customer-service-oriented way. The Agency is proposing revisions to 36 CFR 251.50 that would implement recommendations from this study. The study determined that many units are issuing special use authorizations unnecessarily, thereby increasing workloads. The study concluded that the Agency should clarify the special uses rules at section 251.50(a) to make explicitly clear that special use authorizations should not be issued for activities that are addressed by other Forest Service regulations; for example, those governing the disposal of timber (part 223); minerals (part 228); and the grazing of livestock (part 222). The study also concluded that section 251.50(e) should be added to direct that special use authorizations should not be issued where such authorization would serve no land or resource management objective and would have nominal effects on National Forest

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System lands; for example, where activities are adequately regulated by other governmental entities or where an authorized officer determines that normal operation and maintenance by the holder is within the scope of a right-of-way, easement, or other valid existing real property interest. Further, the rule at section 251.50(d) would clarify requirements regarding authorizations for special uses involving National Forest System roads and trails. The current regulation requires the issuance of closure orders for regulation of special uses on NFS roads and trails. The revised regulation will eliminate the necessity of individual closure orders for common public service permit programs.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

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

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**RIN:** 0596-AB74**232. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS****Priority:** Other Significant**Legal Authority:** 16 USC 620**CFR Citation:** 36 CFR 223; 36 CFR 261**Legal Deadline:** None

**Abstract:** The proposed rule for timber export and substitution restrictions would implement the Forest Resources Conservation and Shortage Relief Act of 1990, as amended. 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 NFS and private timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed National Forest Service 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	12/00/02	
NPRM Comment Period End	02/00/03	

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

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**RIN:** 0596-AB75**233. USE OF FIXED ANCHORS IN WILDERNESS**

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

**Legal Authority:** Not Yet Determined**CFR Citation:** 36 CFR 261**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to issue regulations on the use of climbing equipment in designated wilderness areas within the National Forest System (NFS). Prior to the adoption of the Wilderness Act, certain climbing equipment, including rock bolts, have been placed in rock faces by climbers. This practice has continued for several decades and is the focus of controversy among wilderness users. An increase in the popularity of bolt-intensive form of rock climbing in the early 1990s has fueled this controversy. Some wilderness advocates consider rock

bolts and other anchors, left behind by climbers, as permanent improvements.

To address this issue on NFS lands, a negotiated rulemaking committee was convened in June 2000. After four 2-day meetings, the group failed to reach consensus on several aspects of the issue; however, consensus was reached on other aspects. The Agency is moving forward with a proposal that utilizes the advice of the committee and the aspects that were agreed upon by the committee. The Agency intends to propose for public comment several alternatives to define and regulate permanent fixed anchors, including bolts. Resolving these issues through rulemaking is preferable to other dispute resolution alternatives, such as litigation or legislative amendment.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

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

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**RIN:** 0596-AB80**234. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 36 CFR 223**Legal Deadline:** None

**Abstract:** The Forest Service proposes to promulgate 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 proposed rule also implements Public Law 106-113, Pilot Program of Charges

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

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

Undetermined

**Federalism:** Undetermined

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RIN: 0596-AB81

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

**Priority:** Info./Admin./Other**Legal Authority:** 16 USC 497; PL 106-291, title VI**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The appropriations act for the Department of the Interior and related agencies for fiscal year 2001 (Pub.L. 106-291) contains provisions in title VI "Cabin User Fee Fairness Act of 2000" to ensure consistent and fair processes for appraising the fee simple value of recreation residence lots on National Forest System (NFS) lands. This act (1) establishes in law that the base annual fee for recreation residences is 5 percent of the market value of the lot; (2) changes the appraisal cycle period from 20 years to 10 years; and (3) requires the Secretary of Agriculture to (a) complete an inventory of utilities, access, and facilities serving each recreation residence tract or lot and

document who paid for the installation of those improvements; (b) develop a new set of guidelines for conducting appraisals for recreation residences on NFS lands; (c) use a different annual indexing indicator; and (d) issue new Agency direction to implement the provisions of the Act within 2 years of its passage (10/11/2000). The Forest Service proposes to publish notice in the Federal Register of policy changes to the Forest Service Manual (FSM 2723) and Handbooks (FSH 2709.11, sec. 33; and FSH 5409.12, ch. 6) that would make Agency direction consistent with the requirements in the Act for the base annual fee and appraisal cycle (described in the preceding items (1) and (2)) and to request public comment on those policy changes related to the inventory, guidelines for appraisals, and indexing indicator (described in the preceding items (3)(a) to (3)(d)). Comments will be considered in development of the final policy.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

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

Undetermined

**Federalism:** Undetermined

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RIN: 0596-AB83

### 236. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

**Priority:** Other Significant**Legal Authority:** 16 USC et seq; 5 USC 301**CFR Citation:** 36 CFR 219, subpart A**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to revise the November 9, 2000, land and resource management

planning rule. This action responds to serious concerns raised by employees and others about the Agency's ability to implement some provisions of the November 2000 rule. The Agency's ability to promptly implement the November 9, 2000, planning regulations has also been called into question through pending litigation. The Forest Service has been asked to resolve deficiencies in the November 2000 rule. In so doing, the Forest Service plans to ensure that issues or deficiencies that have evolved from over 2 decades of forest planning are also addressed. The goal is to develop a new rule that improves the planning process, decisionmaking, and legal defensibility of land and resource management plans.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	
Final Action	12/00/02	
Final Action Effective	01/00/03	

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

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### 237. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION FOR CERTAIN SMALL ADMINISTRATIVE TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS AND RESEARCH PROJECTS (FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)

**Priority:** Other Significant**Legal Authority:** 42 USC 1421 to 4337**CFR Citation:** None**Legal Deadline:** None

**Abstract:** In 1999, as a result of a court action, the Forest Service lost the ability to use a categorical exclusion from National Environmental Policy Act (NEPA) documentation for small

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timber sales. This category was used extensively for small timber sales to remove hazard trees, treat insect and disease outbreaks, and provide related timber products for local communities. As a consequence, the responsible official must now prepare an environmental assessment (EA) on these small volume timber sales (under 250,000 board feet of green timber or 1 million board feet of salvage timber). This has resulted in a Service-wide increase in environmental analysis costs and delays in beginning and completing these small timber sale projects on the National Forests and Research Experimental Forests. This proposal would categorically exclude from documentation in an EA or environmental impact statement (EIS) certain types of small timber sales in the National Forests and Research Experimental Forests and would enable the Agency to accomplish in a more timely and efficient manner the treatment of small fire hazard areas, insect and disease outbreaks, and hazard tree removal. This new categorical exclusion would be added to the existing categories for categorical exclusions in chapter 30 of Forest Service Handbook (FSH) 1909.15, and by Council on Environmental Quality (CEQ) regulation, this proposal requires public notice and opportunity to comment. For convenience and cost savings, the final directive may be issued temporarily as an interim directive to chapter 30 of FSH 1909.15 but would be incorporated as an amendment as soon as there are sufficient other changes to the chapter to warrant revision of the entire chapter. Decisions using this new category may be subject to a 30-day public comment period and administrative appeal under 36 CFR part 215

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB88

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 472; 16 USC 551; PL 102-381, sec 322 (Appeal Reform Act); 106 Stat 1419 (16 USC 1612 note)

**CFR Citation:** 36 CFR 215 (Revision)

**Legal Deadline:** None

**Abstract:** In 1992, the Appeal Reform Act mandated the Forest Service to develop appeal regulations for site-specific projects on National Forest System lands. The regulations were promulgated in 1994. Eight years of experience have shown there are certain provisions in the regulations that consistently give rise to questions by employees and the public and reduce efficient processing of administrative appeals. This proposed rule would revise the appeal regulations to bring better focus to public participation and to improve consistency in the application of this regulation, both of which would result in improved efficiency of the appeals process for the public and the Government.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB89

### 239. ● SPECIAL USES AND GENERAL PROHIBITIONS: PALEONTOLOGICAL RESOURCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551; 18 USC 641

**CFR Citation:** 36 CFR 251.50; 36 CFR 261.2; 36 CFR 261.9(i)

**Legal Deadline:** None

**Abstract:** This proposed rule consists of several technical changes to the agency's special uses and prohibited acts regulations regarding fossil collecting. First, the proposed rule would revise 36 CFR 251.50 to make clear that non-vertebrate fossil collecting is not a special use and, therefore, does not require a special use authorization. Second, this proposed rule also would make minor changes to 36 CFR 261.2 to make the definition for "paleontological resource" scientifically correct and to remove the text that addresses exceptions. Third, the prohibitions related to property at 36 CFR 261.9 would be revised to clarify that the prohibition does not apply to mineral materials, such as limestone or building stone recovered under a mineral contract or to organic remains primarily used as fuel, such as coal and oil. These exceptions are currently addressed inappropriately in the definition and, as a consequence, have led to misinterpretation of the prohibitions. This proposed rule is consistent with the Forest Service's stated commitment to develop a unified policy for management of fossil resources on Federal and Indian lands in accordance with the seven principles established in the May 2000 Secretary of the Interior's Report to the Senate.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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## USDA—FS

## Proposed Rule Stage

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**240. • FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 4151; 29 USC 794; 7 CFR 15e**CFR Citation:** None**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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RIN: 0596-AB92

**241. • FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4151; 29 USC 794; 7 CFR 15 e**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR 15e require that new or reconstructed facilities be accessible. The Forest Service Outdoor Recreation Accessibility Guidelines in this proposed policy amending Forest Service Manual (FSM) chapter 2330,

Publicly Managed Recreation Opportunities, would establish clear agency guidelines to provide the highest level of accessibility for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. Outdoor recreation facilities include campgrounds, picnic areas, beach access and other access routes, and so on. The proposed policy also would clarify direction regarding existing requirements for the Golden Access Passport eligibility and documentation utilized by all Federal agencies under the 1980 amendment to the Land and Water Conservation Fund Act. Comments will be considered in development of the final guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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RIN: 0596-AB93

**Department of Agriculture (USDA)  
Forest Service (FS)****Final Rule Stage****242. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**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 rule sets forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for

homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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RIN: 0596-AA52

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**243. DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS****Priority:** Other Significant**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:** Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental statutes. This rulemaking would remove an unworkable compensation-of-damages formula and establish a termination-for-environmental-protection clause in timber sale contracts, a standard in most Federal procurement contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	10/00/02	
Final Action Effective	11/00/02	

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

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**RIN:** 0596-AB21**244. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS****Priority:** Other Significant**Legal Authority:** 43 USC 1764; 30 USC 181**CFR Citation:** 36 CFR 251**Legal Deadline:** None

**Abstract:** The objective of this proposal is to incorporate into regulation the

authority contained in the Mineral Leasing Act and the Federal Land Policy and Management Act to reimburse the United States for reasonable administrative costs associated with the issuance and administration of special-use authorizations on National Forest System lands. It responds to a recommendation contained in GAO Audit Report RCED-97-16 (12/96).

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/99	64 FR 66341
NPRM Comment Period Extended	12/29/99	64 FR 72971
NPRM Comment Period End	02/04/00	
Comment Period Extended	02/25/00	65 FR 10042
Comment Period End	03/09/00	
Final Action	07/00/02	
Final Action Effective	08/00/02	

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

**Additional Information:** Cost reimbursement for processing special-use applications and administration of special-use authorizations was originally included under RIN 0596-AA36. All provisions pertaining to the special-use application and administration process have been merged with RIN 0596-AB35. Thus, this rulemaking addresses only the cost-reimbursement provisions.

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**RIN:** 0596-AB36**245. PREFERENCE FOR VISITOR SERVICE; ALASKA NATIONAL FOREST CONSERVATION SYSTEM UNITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3197**CFR Citation:** 36 CFR 251**Legal Deadline:** None

**Abstract:** The Forest Service is issuing regulations to define and establish procedures for administering the

statutory rights and preferences established by the Alaska National Interest Lands Conservation Act of 1980 for historical operators, Native Corporations, and local residents to conduct revenue-producing visitor services on certain National Forest System Lands in Alaska. The regulations are necessary to comply with section 1307 of the Alaska National Interest Lands Conservation Act, which requires the Secretary of Agriculture to give preference to persons he determines by rule are local residents. The regulations, which have been developed in close consultation with the other Federal land-managing agencies in Alaska, will apply only to Conservation System Units administered by the Forest Service. As applied to these regulations, administered Conservation System Units are Forest Service National Monuments and units of the National Wild and Scenic River Systems, National Trails System, and the National Wilderness Preservation System in Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/97	62 FR 20140
NPRM Comment Period End	06/24/97	
Final Action	12/00/02	
Final Action Effective	01/00/03	

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

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AB57**246. CATEGORICAL EXCLUSION FOR CERTAIN SPECIAL USES PERMIT ACTIONS (FSH 1909.15, CHAPTER 30)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321 to 4346**CFR Citation:** None**Legal Deadline:** None

**Abstract:** In April 1997, the Forest Service completed a reengineering study of its special uses program. One

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finding in that study was that the Forest Service is conducting extensive National Environmental Policy Act (NEPA) analysis and documentation for the renewal or transfer of ownership of special use authorizations having no significant effect on the human environment, either individually or cumulatively. This level of NEPA compliance is costly, time consuming, and not commensurate with the risk attributed to the activity. Therefore, the Forest Service proposes to add a new category of categorical exclusions from NEPA documentation at sections 31.1b and 31.2 of FSH 1909.15,

Environmental Policy and Procedures Handbook. This action would give clearer direction regarding the NEPA obligation, when issuance of a special use authorization is a purely ministerial action and no changes are proposed in permitted activities or facilities.

Further, the Forest Service proposes to amend section 30.3 to clarify the NEPA documentation that is needed for processing applications and authorizations under a categorical exclusion when extraordinary circumstances exist. There is confusion surrounding section 30.3 about the "mere presence" of an extraordinary circumstance and the implication of a need for an Environmental Assessment (EA) or Environmental Impact Statement (EIS). The Forest Service proposes to amend this section to provide that an identified extraordinary circumstance must clearly have a significant impact on the National Forest resource to merit preparation of an EA or EIS.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/01	66 FR 48412
NPRM Comment Period End	11/19/01	
Final Action	07/00/02	
Final Action Effective	07/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AB73**247. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING; EXTENSION OF COMPLIANCE DEADLINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1600 et seq; 5 USC 301**CFR Citation:** 36 CFR 219, subpart A**Legal Deadline:** None

**Abstract:** On November 9, 2000 (65 FR 67514), a rule substantially revising National Forest System land and resource management planning was adopted. Section 219.35 of that rule provided for the transition from the 1982 planning rule to the 2000 rule. May 9, 2001, was the date by which all forest plan amendments and revisions, under specified conditions, would be subject to the new planning requirements. However, early in 2001, the Department determined that the November 2000 planning regulation needed to be revised in order to improve its implementation by field personnel (see sequence No. 425, National Forest System Land and Resource Management Planning). On May 17, 2001, the Department issued an interim final rule and simultaneously issued a proposed rule

immediately extending the compliance date of May 9, 2001, until May 9, 2002, anticipating that the revised planning rule would be final at that time (66 FR 27552). Completion of the revised planning rule by May 9, 2002, has proven to be unrealistic; thus, the Department needs to extend the compliance deadline until the adoption of a final planning rule. This action is needed immediately because the May 9, 2002, compliance date is imminent and it is necessary to grant relief to the units of the National Forest System that may initiate plan revisions and amendments after this date but before a new planning regulation is finalized. As with the May 17, 2001, interim final rule, the new interim final rule would allow forests the option of proceeding under the 1982 rule or under the November 2000 rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/01	66 FR 27555
NPRM Comment Period End	07/16/01	
Interim Final Rule	05/00/02	
Interim Final Rule Effective	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

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**RIN:** 0596-AB87**Department of Agriculture (USDA)  
Forest Service (FS)****Long-Term Actions****248. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 251; 36 CFR 214**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly

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**RIN:** 0596-AB45

## USDA—FS

## Long-Term Actions

**249. REVISIONS TO ROAD MANAGEMENT POLICY (FOREST SERVICE MANUAL CHAPTER 7710)****Priority:** Other Significant**CFR Citation:** 36 CFR 212**Timetable:**

Action	Date	FR Cite
NPRM	12/20/01	66 FR 65796
NPRM Comment	02/19/02	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Marian P. Connolly

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**RIN:** 0596-AB90**BILLING CODE** 3410-11-S

## Department of Agriculture (USDA)

## Office of Chief Financial Officer (OCFO)

## Long-Term Actions

**250. • GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549**CFR Citation:** 7 CFR 3017 and 3021**Legal Deadline:** None

**Abstract:** The requirements for maintaining a drug-free workplace are being removed as a subpart in the current debarment and suspension common rule, and recodified as a separate part 3021. The appendix that is referenced in 3017.50 contains a model for covered transactions that would be accurate for all USDA agencies if USDA had not added certain exclusions in 3017.215 and 3017.220.

Therefore it is necessary to clarify that the appendix contains a general model that will vary for certain categories of transactions in accordance with the exclusions from covered transactions in 3017.215 and 3017.220. USDA has limited covered transactions under its current debarment and suspension regulation (7 CFR part 3017) to primary tier transactions for all of its export and foreign assistance programs. In 3017.755 (a) and 3017.870 (a) USDA has added the requirement that the record remain open for a full 30 days after the respondent receives the notice of suspension or debarment even if a submission in opposition is made before the 30 days expire.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266

Action	Date	FR Cite
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NPRM Comment 03/25/02

Period End

Next Action Undetermined

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

Undetermined

**Agency Contact:** Annie Walker-Bradley, Acting Director for Planning, Department of Agriculture, Office of Chief Financial Officer, Room 4632 South Building, 1400 Independence Avenue SW, Washington, DC 20250

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**RIN:** 0505-AA11**BILLING CODE** 3410-90-S

## Department of Agriculture (USDA)

## Office of the Secretary (AgSEC)

## Proposed Rule Stage

**251. 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	09/00/02	

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

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**RIN:** 0503-AA21

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

Final Rule Stage

**252. • OUTREACH AND ASSISTANCE FOR DISADVANTAGED FARMERS AND RANCHERS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2279(a)

**CFR Citation:** 7 CFR 26

**Legal Deadline:** None

**Abstract:** This rulemaking will remove CFR Part 1943, Subpart C, "Small Farmer Outreach Training and Technical Assistance Program," under the Farm Service Agency and add new CFR Part 26, "Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program," under the Office of the Secretary. The Food, Agriculture, Conservation and Trade Act of 1990, title XXV, section 2501 and the

Department of Agriculture Appropriation Acts provides funding for the "Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Program." These acts provide the Office of Outreach with the authority to make grants and enter into contracts, cooperative agreements, and other agreements with entities to provide outreach, training, and technical assistance; to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches; and increase their participation and accessibility to agricultural programs.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/01	66 FR 21608

Action	Date	FR Cite
NPRM Comment Period End	05/30/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Herring, Special Outreach Program Coordinator, Department of Agriculture, Office of the Secretary, 1400 Independence Avenue SW, Washington, DC 29259  
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**RIN:** 0503-AA22

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

Completed Actions

**253. DESIGNATION OF RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES**
**Priority:** Other Significant

**CFR Citation:** 7 CFR 25

**Completed:**

Reason	Date	FR Cite
Final Rule	03/25/02	67 FR 13553

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local

**Agency Contact:** Jay Norman Reid  
 Phone: 202 260-6332

**RIN:** 0503-AA20

**BILLING CODE** 3410-90-S

**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**

Proposed Rule Stage

**254. BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM—MISCELLANEOUS CHANGES**
**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4287, subpart B; 7 CFR 4279, subpart A; 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Revisions are proposed in the following areas: Exclusion of financing agriculture production, limiting debt refinancing, definition of rural and rural area, criteria for reducing percent of guarantee, revising loan priority criteria, eligibility issues when an applicant is delinquent on Federal debt, title IX provisions, additional administrative guidance, tightening eligibility criteria for non-bank lenders, removing the need for a Regional Attorney review for transfers and assumptions of existing loans, limiting debt refinancing, limiting packaging

fees, adjusting loan priorities, additional application requirements for certain applicants, and various other minor editorial changes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard Bonnet, Sr. Loan Specialist, B&I Processing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6864/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA23

**255. AFFIRMATIVE FAIR HOUSING MARKETING PLAN**
**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

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

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

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment	01/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Agency Contact:** Concepcion Malazo, Loan Specialist, B&I Servicing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6858/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250-3224

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**RIN:** 0570-AA24

**256. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—FINANCING COOPERATIVE STOCK**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4279, subpart B; 7 CFR 4279, subpart A

**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. It also proposes to develop a streamlined application form when financing working capital, which includes cooperative stock.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Richard Bonnet, Sr. Loan Specialist, B&I Processing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6864/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250

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**RIN:** 0570-AA26

**257. RURAL BUSINESS ENTERPRISE GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1932; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1942; 7 CFR 4284

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 0570-AA28

**258. ANNUAL RENEWAL FEE**

**Priority:** Other Significant

**Legal Authority:** 7 USC 1932

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

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

An alternative to this action is to increase the initial up-front guaranteed fee, which is a greater initial financial burden on the lender/borrower. The cost to the lender/borrower is 1/4 of one percent per annum on the unpaid balance of the loan. This reduces the risk to the Government by requiring the public to share in the credit risk of each loan.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment	12/00/02	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Agency Contact:** Dwight Carmon, Director, Special Project Program Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250

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**RIN:** 0570-AA34

**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**

Final Rule Stage

**259. 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 is part of a reinvention laboratory initiative of the Department of Agriculture and Rural Business-Cooperative Service. The regulations will be written in a "plain language" style. The regulation will be simpler and improve the ease of use by the public and program beneficiaries. The regulation will be written in a question and answer format from the perspective of questions from the applicant under this program. The regulations will simplify the application format, review and selection process, and recipient's recordkeeping requirements. It will also add a section on the appeal of adverse decisions. The comment period on the proposed rule ended February 14, 2000. The Agency received 28 written comments. The Agency conducted a meeting, which was open to the public on August 2, 2000, to allow the Agency to listen to oral presentations from the general public on the proposed rule. The Agency will respond to the comments made at the meeting in the preamble to the final rule as part of the rulemaking processing under the Administrative Procedures Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/99	64 FR 69937
NPRM Comment Period End	02/14/00	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia Wing, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6867, South Building, STOP 3225, Washington, DC 20250  
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**RIN:** 0570-AA19

**260. ALLOCATION FORMULAS**
**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1940, subpart L

**Legal Deadline:** None

**Abstract:** This action will amend existing regulations for allocating program funds among Agency State offices. It will add the Rural Business Opportunity Grant Program and update the formulas used for Rural Business Enterprise Grant and Business and Industry Programs.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/00	65 FR 47695
NPRM Comment Period End	10/02/00	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Berger, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, STOP 3225, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA30

**261. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—DOMESTIC LAMB INDUSTRY ADJUSTMENT ASSISTANCE PROGRAM SET-ASIDE**
**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** This action provides for a set-aside of \$15 million in Business and Industry Guaranteed Loans in fiscal year (FY) 2001, \$15 million in FY 2002, and \$5 million in FY 2003 to help fund the Domestic Lamb Industry Adjustment Assistance Program. The effective date for the set-aside was September 30, 2000.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/30/00	65 FR 64596

Action	Date	FR Cite
Interim Final Rule Effective	10/30/00	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA31

**262. THE RURAL BUSINESS ENTERPRISE GRANTS AND TELEVISION DEMONSTRATION GRANTS—SMALL/EMERGING PRIVATE BUSINESS ENTERPRISE**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1932; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1942, subpart G

**Legal Deadline:** None

**Abstract:** This action will amend the existing regulation by clarifying the definition of small and emerging private business enterprise and reduce the burden to the applicant in meeting the restricted definition.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/16/01	66 FR 27013
Interim Final Rule Comment Period End	07/16/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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USDA—RBS

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RIN: 0570-AA32

BILLING CODE 3410-XY-S

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

Proposed Rule Stage

**263. TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT, AND CONSTRUCTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) proposes to amend 7 CFR 1755 to include requirements presently contained in RUS Bulletin 345-3. This rule would establish and codify provisions for the inclusion and removal for products from I.P. 344-2. This rule also proposes to integrate the existing section on field trials in the procedures for product acceptance and inclusion in this codification, as well as clarifying and reorganizing the field trials section.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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Fax: 202 720-4120

RIN: 0572-AB40

**264. SERVICING OF WATER PROGRAMS LOANS AND GRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

**Legal Deadline:** None

**Abstract:** This proposed action combines nine existing loan-servicing

regulations of Water Programs into one. The new regulations will codify and clarify Water Programs policy relating to loan-servicing by incorporating simplified language without significantly changing any of the Agency's servicing policies or procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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RIN: 0572-AB59

**265. ELECTRIC PROGRAM STANDARD CONTRACT FORMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1724; 7 CFR 1726; 7 CFR 1755

**Legal Deadline:** None

**Abstract:** RUS proposes to amend its regulations to revise its standard forms of contracts that borrowers are required to use when contracting for construction and procurement financed through loans made or guaranteed by RUS, in accordance with applicable RUS regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/16/98	63 FR 49503

Action	Date	FR Cite
ANPRM Comment Period End	11/16/98	
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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RIN: 0572-AB67

**266. EXEMPTIONS OF RUS OPERATIONAL CONTROLS UNDER SECTION 306E OF THE RE ACT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1710

**Legal Deadline:** None

**Abstract:** RUS proposes to eliminate duplicative lists of requirements and to eliminate RUS notification to each borrower informing them of their exemption from operational controls status under the 110 percent rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550



## USDA—RUS

## Proposed Rule Stage

Fax: 202 720-4120

RIN: 0572-AB68

**267. • ENVIRONMENTAL POLICIES AND PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901-950b; PL 103-354; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1794**Legal Deadline:** None

**Abstract:** Based on a greater use of small-scale and distribution generation, RUS' experience and review of its existing procedures, RUS has determined that several changes are necessary for its environmental process to operate in a more effective and efficient manner.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB73

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB75

**269. • SPECIAL EQUIPMENT CONTRACT (NOT INCLUDING INSTALLATION), RUS FORM 398****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 CFR 6941 et seq**CFR Citation:** 7 CFR 1755**Legal Deadline:** None

**Abstract:** RUS is amending its regulations on Telecommunications Standards and Specifications for Materials, Equipment, and Construction to revise RUS Form 398, Special Equipment Contract (Not Including Installation).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB76

**270. • ACCOUNTING REQUIREMENTS FOR RUS TELECOMMUNICATIONS BORROWERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1770**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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RIN: 0572-AB77

**271. • EXTENSIONS OF PAYMENTS OF PRINCIPAL AND INTEREST****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1721**Legal Deadline:** None

**Abstract:** RUS proposes to amend the regulation to include distributed generation projects. Also, the agency proposes to impose a maximum interest rate not to exceed more than 3 percent in excess of the RUS Borrower's average interest on the notes being deferred. This 3 percent limit would be used to offset all or part of the administrative costs.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

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

USDA—RUS

Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522  
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**RIN:** 0572-AB79

**272. • USEFUL LIFE OF FACILITY DETERMINATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1710

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service proposes to eliminate the requirement to use depreciation rates as found in RUS Bulletin 183-1 for determining the useful life of a facility.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17018

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522  
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**RIN:** 0572-AB80

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

Final Rule Stage

**273. SETTLEMENT OF DEBT**

**Priority:** Other Significant

**Legal Authority:** 7 USC 901 to 950b; 7 USC 1981; PL 99-591; PL 103-354

**CFR Citation:** 7 CFR 1717

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) proposes to amend its debt settlement procedures to allow its Administrator to modify the requirements borrowers must meet to receive debt settlements. Currently, all borrowers must meet the same requirements regardless of the amount of debt or other circumstances. The intent of the proposed change is to facilitate debt settlements where the RUS Administrator determines that the Government's interest in the debt can still be protected without having the borrower meet each of the current requirements. Such determinations would be made on a case-by-case basis. While the change is expected to improve the efficiency of debt settlements, it is not intended to alter the basic outcome of such settlements.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg

Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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**RIN:** 0572-AB61

**274. MERGERS AND CONSOLIDATIONS OF ELECTRIC BORROWERS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1717

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service will amend subpart D to provide the Administrator the flexibility to limit the amount of a loan to a successor (surviving business entity following a merger) to no more than 10 percent of the municipal loan authorization for a particular fiscal year, with the balance of the limited first loan request (if any) being considered in subsequent years. The Administrator will consider this limitation in years where a significant loan backlog is determined to exist.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/01	66 FR 55130
NPRM Comment Period End	12/03/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522  
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**RIN:** 0572-AB63

**275. DEMAND SIDE MANAGEMENT AND RENEWABLE ENERGY SYSTEMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1710

**Legal Deadline:** None

**Abstract:** The Agency is removing subpart H in its entirety.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/01	66 FR 20759
NPRM Comment Period End	05/25/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## USDA—RUS

## Final Rule Stage

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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**RIN:** 0572-AB65

### 276. TELECOMMUNICATIONS PROGRAM SPECIFICATION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) is proposing to amend its regulations to change the manner in which it publishes the specifications that products need to meet for their use in telecommunications systems of RUS Borrowers. The specifications are currently published in the text of the CFR. This proposed rule would eliminate this unnecessary and burdensome publication in the CFR.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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**RIN:** 0572-AB69

### 277. • GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED LOANS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1710

**Legal Deadline:** None

**Abstract:** RUS is amending its regulations to clarify that the purchase or acquisition of existing electric facilities and implementation of demand side management and energy conservation programs, and on-grid and off-grid renewable energy systems are eligible loan purposes under the Rural Electrification Act, as amended. The rule also makes several technical corrections to conform the language of the regulations to existing law and to correct a typographical error.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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**RIN:** 0572-AB72

### 278. • SEISMIC SAFETY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 42 USC 7701 et seq

**CFR Citation:** 7 CFR 1792-C

**Legal Deadline:** None

**Abstract:** The revision to the existing CFR is made to update the requirements of the agency. The direct final rule provides RUS borrowers, grant recipients, Rural Telephone Bank (RTB) borrowers and the public with updated rules for compliance with seismic safety requirements for new

building construction using RUS or RTB loan, grant or guaranteed funds or funds provided through lien accommodations or subordinations approved by RUS or RTB.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB74

### 279. • RECORD RETENTION REQUIREMENTS FOR RUS ELECTRIC AND TELECOMMUNICATIONS BORROWERS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1767; 7 CFR 1770

**Legal Deadline:** None

**Abstract:** RUS plans to issue record retention requirements for its Electric and Telecommunications borrowers.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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**RIN:** 0572-AB78

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**
**Completed Actions****280. EXTENSIONS OF PAYMENTS OF PRINCIPAL AND INTEREST****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1721**Completed:**

Reason	Date	FR Cite
Final Rule	01/04/02	67 FR 484
Final Action Effective	02/04/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe

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**RIN:** 0572-AB60**281. DISTANCE LEARNING AND TELEMEDICINE LOAN AND GRANT PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1703**Completed:**

Reason	Date	FR Cite
NPRM	01/23/02	67 FR 3128
Direct Final Rule	01/23/02	67 FR 3039
Direct Final Rule Effective	03/11/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe

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**RIN:** 0572-AB70**282. • TREASURY RATE LOAN PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1710**Legal Deadline:** None**Abstract:** RUS is amending its regulations to establish rules and

regulations to administer the Treasury rate direct loan program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/01	66 FR 66359
Direct Final Rule	12/26/01	66 FR 66293
NPRM Comment Period End	01/25/02	
Direct Final Rule Effective	02/11/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe Jr.,

Director, Program Development &amp; Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

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Fax: 202 720-4120

**RIN:** 0572-AB71**BILLING CODE** 3410-15-S
**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**
**Proposed Rule Stage****283. WETLAND CATEGORICAL MINIMAL EFFECTS EXEMPTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3801 et seq**CFR Citation:** 7 CFR 12**Legal Deadline:** None

**Abstract:** The 1985 Farm Bill, as amended, gives producers a major incentive to conserve wetlands by tying eligibility for most USDA program benefits to conservation of wetlands. However, producers can convert wetlands based on available exemptions, including a minimal effect exemption. A minimal effect applies if the action, individually and cumulatively, will have minimal effect on the functional hydrological and biological value of the wetlands in the area. A categorical minimal effect is one that, when carried out, will always have a minimal effect on the hydrologic and biological functions of wetlands in the area. These activities will be identified on a regional basis.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Helen Huntington,

Regulatory Liaison, Department of Agriculture, Natural Resources Conservation Service, Mail Stop 5460, 5601 Sunnyside Avenue, Beltsville, MD 20705

Phone: 301 504-2165

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**RIN:** 0578-AA27**284. EMERGENCY WATERSHED PROTECTION PROGRAM****Priority:** Other Significant**Legal Authority:** PL 81-516; 33 USC 701; PL 95-334; 16 USC 2203**CFR Citation:** 7 CFR 624**Legal Deadline:** None

**Abstract:** A revision is necessary to incorporate changes in the program, which have resulted from the passage of the 1996 Farm Bill; to fulfill a desire to make the program more responsive and efficient; and to respond to concerns of the public and the Agency. The rule is being reorganized and several items added.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Victor Cole, National

EWP Leader, Department of Agriculture, Natural Resources Conservation Service, Room 6019-S, PO Box 2890, Washington, DC 20013

Phone: 202 690-4575

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**RIN:** 0578-AA30

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

Final Rule Stage

**285. CONSERVATION OF PRIVATE  
 GRAZING LAND**

Priority: Other Significant

Legal Authority: 16 USC 2005b

CFR Citation: 7 CFR 610

Legal Deadline: None

**Abstract:** Private grazing land constitutes nearly one-half of the non-Federal land of the United States and is basic to environmental, social, and economic stability of rural areas. In fact, grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity

of water for all of the many uses in the watershed. Congress recognized the importance of grazing lands in subtitle H, section 386, of the Federal Agriculture Improvement and Reform Act of 1996 by authorizing the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing lands.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/01	66 FR 34584
NPRM Comment Period End	08/28/01	
Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Helen Huntington, Regulatory Liaison, Department of Agriculture, Natural Resources Conservation Service, Mail Stop 5460, 5601 Sunnyside Avenue, Beltsville, MD 20705

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RIN: 0578-AA29

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

Long-Term Actions

**286. HIGHLY ERODIBLE LAND AND  
 WETLAND CONSERVATION**

Priority: Other Significant

CFR Citation: 7 CFR 12

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47019
Interim Final Rule Comment Period End	11/05/96	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Martha Joseph

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RIN: 0578-AA17

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Molleur

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RIN: 0578-AA26

BILLING CODE 3410-16-S

**287. FORESTRY INCENTIVES  
 PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 635; 7 CFR 701

**Department of Agriculture (USDA)**  
**Office of Procurement and Property Management (OPPM)**

Final Rule Stage

**288. OFFICE OF PROCUREMENT AND  
 PROPERTY MANAGEMENT (OPPM);  
 UNIFORM PROCEDURES FOR THE  
 ACQUISITION AND TRANSFER OF  
 EXCESS FEDERAL PROPERTY**

Priority: Info./Admin./Other

**Legal Authority:** 7 USC 2206a; 7 USC 301 note; 7 USC 321 et seq; 20 USC 1059c(b)

CFR Citation: 7 CFR 3200

Legal Deadline: None

**Abstract:** The Office of Procurement and Property Management (OPPM) is amending its procedures for the acquisition and transfer of excess

personal property to 1994 Institutions (as defined in section 532 of the Equity in Education Land Grant Status Act of 1994); Hispanic-Serving Institutions (as defined in section 316(b) of the Higher Education Act of 1965); and any college or university eligible to receive funds under the Act of August 30, 1890. This amendment clarifies administrative rules regarding equipment transfer and reduces the administrative burden placed on recipient Institutions.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	08/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kathleen N. Fay, Property Utilization Specialist, Department of Agriculture, Office of Procurement and Property Management, Mail Stop 9304, 1400 Independence Avenue SW, Washington, DC 20250

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RIN: 0599-AA10

[FR Doc. 02-8351 Filed 05-10-02; 8:45 am]

BILLING CODE 3410-98-S