



# Federal Register

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**Monday,  
December 22, 2003**

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**Part III**

**Department of  
Agriculture**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF AGRICULTURE (USDA)**

**DEPARTMENT OF AGRICULTURE**

**Office of the Secretary**

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

**9 CFR Chs. I–IV**

**36 CFR Ch. II**

**41 CFR Ch. 4**

**Semiannual Regulatory Agenda, Fall 2003**

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

**ACTION:** Semiannual regulatory agenda.

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

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

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

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

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. 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:** October 23, 2003.

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

**Agricultural Marketing Service—Prerule Stage**

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

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

**Agricultural Marketing Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
152	Changes in Fees for Federal Grading and Certification of Livestock for Chicago Mercantile Exchange Futures Deliveries .....	0581–AB66
153	Mango Promotion, Research, and Information Order (FV–01–707) .....	0581–AC05
154	Quality Systems Verification Program (LS–02–10) .....	0581–AC12
155	Exemption of Organic Producers From Research and Promotion/Marketing Order Assessment (PY–02–006 and FV–03–900–1) .....	0581–AC15
156	National Dairy Promotion and Research Program (DA–02–03) <b>(Reg Plan Seq No. 2)</b> .....	0581–AC16
157	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY–02–003) .....	0581–AC25
158	Plant Variety Protection Services (ST–02–02) .....	0581–AC31
159	Voluntary Federal Dairy Grading and Inspection Fees (DA–03–03) .....	0581–AC32
160	Voluntary Shell Egg Grading Regulation—Facilities and Equipment (PY–03–005) .....	0581–AC33

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

**Agricultural Marketing Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
161	Livestock Mandatory Reporting Program—Lamb Amendment (LS–01–08) <b>(Reg Plan Seq No. 3)</b> .....	0581–AB98
162	Removal of Cottonseed Chemist Licensing Program and Amendments to Regulations Pertaining to Commodity Testing Laboratories (ST–02–03) .....	0581–AC18
163	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS–03–04) <b>(Reg Plan Seq No. 4)</b> .....	0581–AC26

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

Sequence Number	Title	Regulation Identification Number
164	Good Guidance Practices for the National Organic Program (TM-03-03) .....	0581-AC30

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

## Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
165	Revision of Regulations Governing the Inspection and Grading Service of Manufactured or Processed Dairy Products (DA-00-08) .....	0581-AB93
166	National Organic Program: Add Standards for Mushroom, Apiculture, Greenhouse, and Hydroponic Production Systems and the Handling of Honey (TM-01-09) .....	0581-AB96
167	Flue-Cured Tobacco Advisory Committee: Amendment to Regulations (TB-02-14) .....	0581-AC11
168	Voluntary Federal Meat Grading and Certification Services (LS-02-06) .....	0581-AC13
169	User Fees for 2003 Crop Cotton Classification Services (CN-02-006) .....	0581-AC17
170	National Organic Program, Amendment to the National List of Allowed and Prohibited Substances .....	0581-AC19
171	PACA: Coating or Battering Fruits and Vegetables Does Not Alter Their Character (FV-02-369) .....	0581-AC21
172	USDA "Produced From" Grademark for Shell Eggs (PY-02-007) .....	0581-AC24
173	National Organic Program: Amendments to the National List (2nd list) .....	0581-AC27

## Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
174	Amendments to the Standards for Approval of Warehouses for Commodity Credit Corporation Storage Contracts ..	0560-AE50
175	Selection of FSA State and County Committees .....	0560-AG90

## Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
176	Elimination of 30-Day Past-Due Period for Farm Loan Program Borrowers .....	0560-AG50
177	2002 Farm Bill Regulations—Loan Eligibility With Prior Debt Forgiveness .....	0560-AG81

## Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
178	Amendments to the Debt Settlement Policies and Procedures To Conform to the Debt Collection Improvement Act of 1996 .....	0560-AF22
179	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs .....	0560-AF60
180	Emergency Conservation Program .....	0560-AG26
181	Interest Assistance Program .....	0560-AG46
182	Ocean Freight Claims Administrative Appeal Process .....	0560-AG49
183	Tobacco Marketing Quota, Cards, Penalty Provisions, Recordkeeping and Reporting .....	0560-AG52
184	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements .....	0560-AG53
185	Servicing Minor Farm Loan Program Loans .....	0560-AG67
186	2002 Farm Bill Regulations—Conservation Reserve Program .....	0560-AG74
187	2002 Farm Bill Regulations—Assistance for Livestock Producers .....	0560-AG76
188	2002 Farm Bill Regulations—Tree Assistance Program .....	0560-AG83
189	Revision of Indian Tribal Land Acquisition Program Loan Regulations .....	0560-AG87

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

Sequence Number	Title	Regulation Identification Number
190	Clarification of Informal Appeals Procedures .....	0560-AG88
191	2003—Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco .....	0560-AG92
192	Revisions to Direct Farm Loan Programs Appraisal Regulations .....	0560-AH01
193	Environmental Compliance and Related Concerns .....	0560-AH02
194	Outside Storage of Extra Long Staple Loan Cotton .....	0560-AH03

## Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identification Number
195	Deletion of FSA Regulations Regarding Colorado River Basin Salinity Control Program .....	0560-AE54
196	Prompt Disaster Set-Aside Consideration and Primary Loan Servicing .....	0560-AG56
197	2002—Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco .....	0560-AG58
198	2002—Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG59
199	2002—Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG60
200	Producer Disqualification for Crop Insurance Fraud .....	0560-AG70
201	2002 Farm Bill Regulations—Bioenergy Program .....	0560-AG84
202	2002 Farm Bill Regulations—Income Limits .....	0560-AG86
203	Providing Farm Loans in a National Security Emergency .....	0560-AG89
204	2003—Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG91
205	2003—Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG93
206	Crop Insurance Linkage .....	0560-AG94
207	2003 Agricultural Assistance Act—Crop Disaster Program, Livestock Assistance Program, and Weather-Related Losses for Sugar Beets .....	0560-AG95
208	Cottonseed Payment Program .....	0560-AG97
209	Hurricane Assistance for Sugarcane Producers and Processors .....	0560-AG98
210	Technical Changes to Citizenship Definition and Loan Eligibility Regulations .....	0560-AG99
211	Sugar Beet Disaster Program .....	0560-AH04
212	Removal of Obsolete Regulations .....	0560-AH05
213	Purchase of Crop Insurance for Tobacco Price Support Eligibility .....	0560-AH06

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

Sequence Number	Title	Regulation Identification Number
214	Plum Pox Compensation .....	0579-AB19
215	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs .....	0579-AB24
216	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity ( <b>Reg Plan Seq No. 5</b> ) .....	0579-AB35
217	Karnal Bunt Compensation .....	0579-AB45
218	Cost-Sharing for Animal and Plant Health Emergency Programs .....	0579-AB50
219	Trichinae Certification Program .....	0579-AB52
220	Methyl Bromide; Authorization as Official Quarantine Use .....	0579-AB54
221	Bovine Spongiform Encephalopathy: Minimal Risk Regions and Importation of Commodities ( <b>Reg Plan Seq No. 6</b> ) .....	0579-AB73

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

Sequence Number	Title	Regulation Identification Number
222	Animal Welfare; Inspection, Licensing, and Procurement of Animals ( <b>Section 610 Review</b> ) .....	0579-AA94
223	Importation of Unmanufactured Wood Articles From Mexico .....	0579-AB02
224	Blood and Tissue Collection at Slaughtering Establishments .....	0579-AB13

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

Sequence Number	Title	Regulation Identification Number
225	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
226	Bees and Related Articles ( <b>Section 610 Review</b> ) .....	0579-AB20
227	Veterinary Diagnostic User Fees—5-Year Plan for Fees ( <b>Section 610 Review</b> ) .....	0579-AB22
228	Foot-and-Mouth Disease; Payment of Indemnity ( <b>Reg Plan Seq No. 7</b> ) .....	0579-AB34
229	Infectious Salmon Anemia; Payment of Indemnity .....	0579-AB37
230	Animal Welfare; Policy on Training and Handling of Potentially Dangerous Animals .....	0579-AB39
231	Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity ( <b>Section 610 Review</b> ) .....	0579-AB42
232	Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins ( <b>Reg Plan Seq No. 8</b> ) .....	0579-AB47
233	Importation of Solid Wood Packing Material; Adoption of International Standards .....	0579-AB48
234	Animal Welfare; Transportation of Animals on International Carriers .....	0579-AB51
235	Procedures for Reestablishing a Region as Free of a Disease .....	0579-AB53
236	Animal Welfare; Definition of Animal .....	0579-AB69

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

Sequence Number	Title	Regulation Identification Number
237	Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....	0579-AA80
238	Importation of Fuji Variety Apples From the Republic of Korea .....	0579-AA93
239	Pseudorabies in Swine; Payment of Indemnity .....	0579-AB10
240	Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....	0579-AB26
241	Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....	0579-AB29
242	Importation of Milk and Milk Products From FMD Countries .....	0579-AB38
243	Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species .....	0579-AB43
244	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program .....	0579-AB44
245	Gypsy Moth; Interstate Movement of Regulated Articles ( <b>Section 610 Review</b> ) .....	0579-AB55

## Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
246	Importation of Unmanufactured Wood Articles; Solid Wood Packing Material .....	0579-AA99
247	Nursery Stock Regulations ( <b>Completion of a Section 610 Review</b> ) .....	0579-AB23
248	Salmonella Enteritidis Phage—Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations .....	0579-AB31
249	Low Pathogenic Avian Influenza; Payment of Indemnity .....	0579-AB46
250	Flag Smut Import Prohibitions on Wheat and Related Products .....	0579-AB49
251	Agricultural Inspection and AI User Fees Along the U.S./Canada Border .....	0579-AB70

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

Sequence Number	Title	Regulation Identification Number
252	CSREES Agricultural Extension Formula Programs—Administrative Provisions .....	0524-AA26
253	CSREES Agricultural Research Formula Programs—Administrative Provisions .....	0524-AA27

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

Sequence Number	Title	Regulation Identification Number
254	Matching Requirements for Formula Funds for Agricultural Research and Extension Activities at the 1890 Land-Grant Institutions and at the 1862 Land-Grant Institutions in Insular Areas .....	0524-AA25
255	CSREES Non-Formula Grant Programs—Administrative Provisions .....	0524-AA28

## Rural Housing Service—Proposed Rule Stage

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

## Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
263	Multi-Family Housing (MFH) Reinvention ( <b>Reg Plan Seq No. 9</b> ) .....	0575-AC13
264	Guaranteed Single-Family Housing .....	0575-AC18
265	Operating Assistance for Migrant Farmworker Projects .....	0575-AC24
266	Technical Assistance To Encourage the Development of Domestic and Migrant Farm Labor Housing .....	0575-AC25
267	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation .....	0575-AC28
268	Fire and Rescue and Other Community Facility Projects .....	0575-AC53
269	3550 Regulation .....	0575-AC54

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## Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
270	Environmental Program .....	0575-AB98

## Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
271	General Administrative Regulations; Subpart D; Application for Crop Insurance .....	0563-AB00
272	General Administrative Regulations; Movement of Business Among Insurance Providers .....	0563-AB71
273	General Administrative Regulations; Sanctions .....	0563-AB73
274	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions .....	0563-AB80
275	General Administrative Regulations; Actual Production History (APH) .....	0563-AB83
276	General Administrative Regulations; Subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years .....	0563-AB86
277	General Administrative Regulations; Quality Assurance and Performance Measurement System for the Federal Crop Insurance Program .....	0563-AB88
278	Common Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions .....	0563-AB90
279	Common Crop Insurance Regulations; Pecan Revenue Crop Insurance Provisions .....	0563-AB91

## USDA

## Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
280	General Administrative Regulations; Nonstandard Underwriting Classification System .....	0563-AB66
281	General Administrative Regulations; Premium Reductions; Payments of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities .....	0563-AB70
282	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions .....	0563-AB76
283	Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; Basic Provisions .....	0563-AB81
284	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums .....	0563-AB84
285	Common Crop Insurance Regulations .....	0563-AB87
286	Common Crop Insurance Regulations; Sunflower, Coarse Grains, Safflower, Dry Pea, Rice, and Dry Bean Crop Insurance Provisions .....	0563-AB89

## Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identification Number
287	Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Winter Coverage Endorsement .....	0563-AB63
288	Common Crop Insurance Regulations; Basic Provisions and General Administrative Regulations, Subpart T, Regulations for Implementation .....	0563-AB85

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

Sequence Number	Title	Regulation Identification Number
289	Livestock Purchase or Sale: Prohibit Nonreporting of Price .....	0580-AA65
290	Prohibition on Disguising Grain Quality .....	0580-AA77
291	Fees for Official Inspection and Official Weighing Services .....	0580-AA80
292	Process Verification Service and Associated Fees .....	0580-AA85

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

Sequence Number	Title	Regulation Identification Number
293	Tolerances for Dividers .....	0580-AA57
294	Review Inspection Requirements .....	0580-AA58
295	Fees for Processed Commodity Analytical Services .....	0580-AA84

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

Sequence Number	Title	Regulation Identification Number
296	Swine Packer Marketing Contracts .....	0580-AA71
297	Exceptions to Geographic Areas for Official Agencies Under the USGSA .....	0580-AA76
298	Fees for Official Inspection and Weighing Services .....	0580-AA81
299	Fees for Rice Inspection Services .....	0580-AA82

## USDA

## Food and Nutrition Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
300	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions to WIC Food Packages ( <b>Reg Plan Seq No. 10</b> ) .....	0584-AD39

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## Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
301	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program .....	0584-AB51
302	Commodity Supplemental Food Program (CSFP): Plain Language, Program Accountability, and Program Flexibility ( <b>Reg Plan Seq No. 11</b> ) .....	0584-AC84
303	Food Stamp Program: Administrative Cost Reimbursement .....	0584-AC86
304	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....	0584-AD12
305	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....	0584-AD15
306	Food Stamp Program: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores .....	0584-AD18
307	Food Stamp Program: Simplification and State Flexibility ( <b>Reg Plan Seq No. 12</b> ) .....	0584-AD22
308	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ...	0584-AD25
309	FSP: High Performance Bonuses ( <b>Reg Plan Seq No. 13</b> ) .....	0584-AD29
310	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 14</b> ) .....	0584-AD30
311	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 ( <b>Reg Plan Seq No. 15</b> ) .....	0584-AD32
312	Senior Farmers' Market Nutrition Program (SFMNP) ( <b>Reg Plan Seq No. 16</b> ) .....	0584-AD35
313	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions .....	0584-AD36
314	FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171 ( <b>Reg Plan Seq No. 17</b> ) .....	0584-AD37
315	National School Lunch Program (NSLP) Allowable Costs .....	0584-AD38
316	Child Nutrition Programs: National School Lunch Program: Serving Fruits and Vegetables as Afterschool Snacks ..	0584-AD40
317	WIC Farmers' Market Nutrition Program (FMNP): Funding Formula Rule .....	0584-AD41

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## Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
318	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....	0584-AB10
319	Child and Adult Care Food Program: Improving Management and Program Integrity ( <b>Reg Plan Seq No. 18</b> ) .....	0584-AC24
320	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....	0584-AC37
321	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....	0584-AC72
322	FSP: Civil Rights Data Collections .....	0584-AC75
323	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....	0584-AC95
324	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387 ( <b>Reg Plan Seq No. 19</b> ) .....	0584-AD13
325	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments ....	0584-AD16
326	Privacy Act: Revision of an Existing System of Records .....	0584-AD24
327	Afterschool Snacks Under the Child and Adult Care Food Program .....	0584-AD27
328	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD28
329	FSP: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171 ( <b>Reg Plan Seq No. 20</b> ) .....	0584-AD31

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## USDA

## Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
330	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94

## Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
331	WIC: Requirements for and Evaluation of WIC Program Requests for Bids for Infant Formula Rebate Contracts .....	0584-AB52
332	FSP: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability .....	0584-AC91
333	Improving Access to the Food Stamp Program for Persons With Limited English Proficiency .....	0584-AD06
334	Determining Eligibility for Free and Reduced Price Meals in Schools—Verification Reporting and Recordkeeping Requirements .....	0584-AD20
335	Food Stamp Program: Administrative Review Requirements—Food Retailers/Wholesalers .....	0584-AD23
336	Commodity Supplemental Food Program (CSFP)—Allocation of Administrative Funds .....	0584-AD33

## Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
337	Nutrition Labeling of Meat and Poultry Products ( <b>Section 610 Review</b> ) .....	0583-AC95

## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
338	Performance Standards for Bacon ( <b>Reg Plan Seq No. 21</b> ) .....	0583-AC49
339	Egg and Egg Products Inspection Regulations ( <b>Reg Plan Seq No. 22</b> ) .....	0583-AC58
340	Labeling—Generic Approval and Regulation Consolidation .....	0583-AC59
341	Food Standards; General Principles and Food Standards Modernization .....	0583-AC72
342	Performance Standards for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
343	Petitions for Rulemaking .....	0583-AC81
344	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
345	Elimination of Chilling Time and Temperature Requirements for Ready-To-Cook Poultry ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 23</b> ) .....	0583-AC87
346	Emergency Regulations To Prevent Meat Food and Meat Products That May Contain the BSE Agent From Entering Commerce ( <b>Reg Plan Seq No. 24</b> ) .....	0583-AC88
347	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States ....	0583-AC91
348	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems ( <b>Reg Plan Seq No. 25</b> ) .....	0583-AD00
349	Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States .....	0583-AD01

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

## Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
350	Beef or Pork With Barbecue Sauce; Revision of Standards .....	0583-AC09
351	Performance Standards for Ready-To-Eat Meat and Poultry Products ( <b>Reg Plan Seq No. 26</b> ) .....	0583-AC46
352	Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products ( <b>Reg Plan Seq No. 27</b> ) .....	0583-AC60
353	Agency Organization .....	0583-AC78

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

Sequence Number	Title	Regulation Identification Number
354	Prohibition on the Use of Air-injection Stunners for the Slaughter of Cattle .....	0583-AD03

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

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

Sequence Number	Title	Regulation Identification Number
355	Food Standards: Requirements for Substantive Standardized Meat and Poultry Products Named by Use of an Expressed Nutrient Content Claim and a Standardized Term .....	0583-AC82
356	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry .....	0583-AD02

## Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
357	Transportation, Storage, and Other Handling of Potentially Hazardous Foods .....	0583-AC05
358	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry .....	0583-AC43
359	Requirements for Disposition and Disposal of Inspected Raw Meat and Poultry Products .....	0583-AC44
360	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems .....	0583-AC51
361	Reworking of Meat and Poultry Carcasses Accidentally Contaminated During Evisceration .....	0583-AC53
362	Reform of Regulations on Imported Meat and Poultry Products .....	0583-AC56
363	Food Labeling; Nutrient Content Claims, Definition of the Term Healthy .....	0583-AC65
364	Elimination of Requirements for Total Quality Control Systems .....	0583-AC68
365	Incorporation of Food and Color Additives Into 21 CFR .....	0583-AC69
366	Poultry Inspection: Revision of Finished Product Standards With Respect to Ingesta .....	0583-AC77
367	Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States .....	0583-AC92
368	Standards and Labeling Requirements for Mechanically Separated Species and Products in Which It Is Used <b>(Completion of a Section 610 Review)</b> .....	0583-AC93
369	Changes in Fees for Meat, Poultry, and Egg Products Inspection Service .....	0583-AC94
370	Use of Any Safe and Suitable Binder or Antimicrobial Agent in Meat and Poultry Products With Standards of Identity or Composition .....	0583-AC96
371	Addition of Australia and New Zealand to the List of Countries Eligible To Export Ratites and Ratite Products Into the United States .....	0583-AC97

## Foreign Agricultural Service—Proposed Rule Stage

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

## Foreign Agricultural Service—Long-Term Actions

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

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## Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
376	Program To Assist U.S. Producers in Developing Domestic Markets for Value-Added Wheat Gluten and Wheat Starch Products .....	0551-AA60
377	Technical Assistance for Specialty Crops .....	0551-AA63
378	McGovern-Dole International Food for Education and Child Nutrition Program .....	0551-AA64
379	Trade Adjustment Assistance for Farmers (TAA) .....	0551-AA66
380	Clarification of Certain Provisions Contained in the Export Sales Reporting Requirements .....	0551-AA67

## Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
381	Hydropower Applications .....	0596-AA47
382	Indian Allotments on National Forest System Lands .....	0596-AA52
383	Landownership Adjustments; Conveyance of Small Tracts .....	0596-AA79
384	Species Surplus to Domestic Manufacturing Needs .....	0596-AB27
385	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....	0596-AB45
386	Law Enforcement Support Activities .....	0596-AB61
387	Noncompetitive Sale of Timber; Timber Substitution .....	0596-AB70
388	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....	0596-AB75
389	Land Uses; Prohibitions; Paleontological Resources .....	0596-AB91
390	Forest Service Trails Accessibility Guidelines .....	0596-AB92
391	Forest Service Outdoor Recreation Accessibility Guidelines .....	0596-AB93
392	Objection Process; Land Management Planning (Interim Directive, Forest Service Manual, Chapter 1920) .....	0596-AB97
393	Locatable Minerals .....	0596-AB98
394	Sawtooth National Recreation Area—Private Lands; Increasing Residential Outbuilding Size .....	0596-AC00
395	National Forest System Land Management Planning Directives (Proposed Directives, Forest Service Manual (FSM) 1920 and Forest Service Handbook (FSH) 1909.12) .....	0596-AC02
396	Special Areas; Roadless Area Conservation; Applicability to National Forest System Lands in Alaska .....	0596-AC05
397	State Petitions For Roadless Management .....	0596-AC10
398	Use and Prohibitions of Motor Vehicles Off National Forest System Roads .....	0596-AC11
399	Grazing Permit Administration .....	0596-AC12
400	National Forest System Appeals and Litigation .....	0596-AC13
401	Proposed Revision of Timber Sale Contracts (FS-2400-6 and FS-2400-6T) .....	0596-AC14

## Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
402	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts .....	0596-AB21
403	Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations .....	0596-AB36
404	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Timber From Other Lands .....	0596-AB48
405	National Environmental Policy Act Documentation Needed for Certain Special Uses Permit Actions (Final Interim Directive to FSH 1909.15, Chapter 30) .....	0596-AB73
406	Land Uses; Special Uses Requiring Authorizations .....	0596-AB74
407	Special Forest Products and Forest Botanical Products .....	0596-AB81
408	Determining Fair Market Value for Recreation Residence Use Authorizations .....	0596-AB83
409	National Forest System Land Management Planning ( <b>Reg Plan Seq No. 28</b> ) .....	0596-AB86
410	Revisions to Road Management Policy (Forest Service Manual Chapter 7710) .....	0596-AB90
411	Forest Land Enhancement Program .....	0596-AB95
412	Community and Private Land Forest Fire Assistance Program .....	0596-AB96
413	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline for Site-Specific Projects .....	0596-AC01
414	Stewardship End Result Contracting (Notice of Interim Guidelines) .....	0596-AC03

## USDA

## Forest Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
415	Special Areas; Roadless Area Conservation; Applicability to the Tongass National Forest, Alaska .....	0596-AC04
416	Delegation of Authority To Approve Free Use by Individuals .....	0596-AC09

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

## Forest Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
417	Preference for Visitor Service; Alaska National Forest Conservation System Units .....	0596-AB57
418	National Environmental Policy Act Documentation Needed For Limited Timber Harvest on National Forest System Lands (Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB88
419	Notice, Comment, and Appeal Procedures for Projects and Activities on National Forest System Lands .....	0596-AB89
420	National Environmental Policy Act Documentation Needed for Fire Management Activities (Interim Directive to Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB99

## Office of Chief Financial Officer—Completed Actions

Sequence Number	Title	Regulation Identification Number
421	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
422	Guidelines for Designating Biobased Products for Federal Reference .....	0503-AA26

## Office of the Secretary—Final Rule Stage

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

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
424	Outreach and Assistance for Disadvantaged Farmers and Ranchers .....	0503-AA22
425	Adjudications Under Section 741 .....	0503-AA24

## Rural Business—Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
426	Affirmative Fair Housing Marketing Plan .....	0570-AA24
427	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock .....	0570-AA26

## USDA

## Rural Business—Cooperative Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
428	Rural Business Enterprise Grant Program .....	0570-AA28
429	Annual Renewal Fee .....	0570-AA34
430	Rural Business Investment Program .....	0570-AA35
431	Business and Industry Loan Program—Rewrite of Program Regulations .....	0570-AA41
432	National Security Emergency ( <b>Reg Plan Seq No. 29</b> ) .....	0570-AA48
433	Tangible Net Equity .....	0570-AA49
434	Renewable Energy Systems and Energy Efficiency Improvements ( <b>Reg Plan Seq No. 30</b> ) .....	0570-AA50

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

## Rural Business—Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
435	Rural Economic Development Loan and Grant Program .....	0570-AA19
436	Rural Business Enterprise Grant Program—Farm Bill Changes .....	0570-AA36
437	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria .....	0570-AA39
438	Value-Added Producer Grants and Agriculture Innovation Centers .....	0570-AA40
439	Intermediary Relending Program .....	0570-AA42
440	Fiscal Transfer Agent—Secondary Market Sales of Guaranteed Loans .....	0570-AA47

## Rural Business—Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
441	Allocation Formulas .....	0570-AA30
442	Business and Industry Guaranteed Loan Program—Domestic Lamb Industry Adjustment Assistance Program Set-Aside .....	0570-AA31

## Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
443	Telecommunications Standards and Specifications for Materials, Equipment, and Construction .....	0572-AB40
444	Servicing of Water Programs Loans and Grants .....	0572-AB59
445	Technical Assistance Grants .....	0572-AB75
446	Special Equipment Contract (Not Including Installation), RUS Form 398 .....	0572-AB76
447	Accounting Requirements for RUS Telecommunications Borrowers .....	0572-AB77
448	Guarantees for Bonds and Notes Issued for Electrification Purposes .....	0572-AB83
449	Sale or Transfer of Capital Assets .....	0572-AB84
450	High Energy Cost Rural Community Grants ( <b>Section 610 Review</b> ) .....	0572-AB91
451	RUS Electric Distribution & G&T Borrowers' Requirements for Assuring the Homeland Security of the Rural Electric Infrastructure .....	0572-AB92

## Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
452	Electric Program Standard Contract Forms .....	0572-AB67
453	Telecommunications Program Specification .....	0572-AB69
454	General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans .....	0572-AB72
455	Seismic Safety .....	0572-AB74

## USDA

## Rural Utilities Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
456	Launching Our Communities Access to Local Television Act of 2000 .....	0572-AB82
457	Exemption of Certain Borrowers From Controls .....	0572-AB85

## Rural Utilities Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
458	Settlement of Debt .....	0572-AB61

## Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
459	Environmental Policies and Procedures .....	0572-AB73
460	Extensions of Payments of Principal and Interest .....	0572-AB79
461	Useful Life of Facility Determination .....	0572-AB80
462	Emergency and Imminent Community Water Assistance Grants .....	0572-AB90

## Natural Resources Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
463	Emergency Watershed Protection Program .....	0578-AA30
464	Conservation Security Program ( <b>Reg Plan Seq No. 31</b> ) .....	0578-AA36
465	Grassland Reserve .....	0578-AA38

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

## Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
466	Wetland Categorical Minimal Effects Exemptions .....	0578-AA27
467	Technical Service Provider Assistance .....	0578-AA35

## Natural Resources Conservation Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
468	Highly Erodible Land and Wetland Conservation .....	0578-AA17
469	NRCS Equitable Relief Procedures .....	0578-AA39

## Natural Resources Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
470	Environmental Quality Incentives Program .....	0578-AA31
471	Agricultural Management Assistance Program .....	0578-AA32

**USDA**

Natural Resources Conservation Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
472	Farm and Ranch Lands Protection Program .....	0578-AA37

Office of Procurement and Property Management—Final Rule Stage

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

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

**Prerule Stage**

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

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

**RIN:** 0581-AB97

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

**Proposed Rule Stage**

**152. 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	01/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** John E. Van Dyke, Branch Chief, Department of Agriculture, Agricultural Marketing

Service, Room 2619—South, L&S, 14th & Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-6231  
Fax: 202 690-3732  
Email: john.vandyke@usda.gov

**RIN:** 0581-AB66

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 7411 through 7425

**CFR Citation:** 7 CFR 1206

**Legal Deadline:** None

**Abstract:** Under the Mango Promotion, Research, and Information Order (Order), an industry board appointed by the Secretary of Agriculture will conduct a program of promotion, research, and information in order to increase consumption of mangos in the United States. Domestic handlers and importers will pay an assessment of

one half cent per pound on the mangos they handle and import, respectively, to fund the program. The board will be supervised by USDA and pay a user fee to USDA to cover the cost of USDA oversight.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/02	67 FR 54907
NPRM Comment Period End	10/25/02	
Second NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Kathie Birdsell, Research and Promotion Branch, Department of Agriculture, Agricultural Marketing Service, Room 2535—South, Stop 0244, Fruit and Vegetable Program, 14th and Independence Avenue SW, Washington, DC 20250-0244  
Phone: 888 720-9917  
Fax: 202 205-2800

## USDA—AMS

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Email: kathie.birdsell@usda.gov

RIN: 0581-AC05

**154. QUALITY SYSTEMS VERIFICATION PROGRAM (LS-02-10)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621**CFR Citation:** 7 CFR 62**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Federal

**Agency Contact:** James L. Riva, Chief, Audit, Review, and Compliance Branch, Department of Agriculture, Agricultural Marketing Service, STOP 0252, Room 2627—South, USDA, AMS, LS, ARC Branch, 1400 Independence Avenue SW, Washington, DC 20250-2052

Phone: 202 720-1124

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RIN: 0581-AC12

**155. EXEMPTION OF ORGANIC PRODUCERS FROM RESEARCH AND PROMOTION/MARKETING ORDER ASSESSMENT (PY-02-006 AND FV-03-900-1)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171, sec 10607

**CFR Citation:** 7 CFR 900; 7 CFR 1150; 7 CFR 1160; 7 CFR 1205; 7 CFR 1207; 7 CFR 1209; 7 CFR 1210; 7 CFR 1215; 7 CFR 1216; 7 CFR 1218; 7 CFR 1219; 7 CFR 1220; 7 CFR 1230; 7 CFR 1240; 7 CFR 1250; 7 CFR 1260; 7 CFR 1280;

...

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

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

**Agency Contact:** Angela C. Snyder, Agricultural Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, STOP 0256, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-4476

Fax: 202 720-5631

RIN: 0581-AC15

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

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

RIN: 0581-AC16

**157. ADMINISTRATIVE REQUIREMENTS FOR VOLUNTARY SHELL EGG, POULTRY, AND RABBIT GRADING (PY-02-003)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621 through 1627**CFR Citation:** 7 CFR 56; 7 CFR 70**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is updating the administrative requirements for Federal voluntary egg, poultry, and rabbit grading. The regulations, in effect since the 1950s,

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	

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

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

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RIN: 0581-AC25

**158. • PLANT VARIETY PROTECTION SERVICES (ST-02-02)**

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

**Legal Authority:** 7 USC 2321; 7 USC 2401

**CFR Citation:** 7 CFR 97**Legal Deadline:** None

**Abstract:** This rule will establish a new fee schedule covering various administrative services that stakeholders are not currently charged for by the Plant Variety Protection (PVP) Office. PVP, as provided by the Agricultural Marketing Service is a voluntary, user-fee service, conducted under the authority of the PVP Act of 1970. The Act requires reasonable fees be collected from applicants for plant variety protection in order to cover program expenses. Program obligations and administrative costs have increased and user fees have been falling short of projections. Based on current level of activity, new service fees will generate approximately \$169,000 of new revenue in fiscal year 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

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

**Agency Contact:** Dr. Paul Zankowski, Commissioner, Plant Variety Protection



## USDA—AMS

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Baltimore Blvd., Room 401, National  
Agricultural Library, Beltsville, MD  
20705

Phone: 301 504-5518

RIN: 0581-AC31

### 159. • VOLUNTARY FEDERAL DAIRY GRADING AND INSPECTION FEES (DA-03-03)

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

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

**CFR Citation:** 7 CFR 58; 7 CFR 54

**Legal Deadline:** None

**Abstract:** This rule would revise the regulations to increase the fees charged users of dairy inspection and grading services. The increased fees are necessary to recover the increased costs of Federal employee pay and location adjustment as well as increases in operational costs. Also the fee increase would provide a limited amount of funding to automate business practices to improve program efficiency and effectiveness. These changes would also increase the fees charged to applicants

for the review of meat and poultry processing equipment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/03/03	68 FR 57382
NPRM Comment Period End	11/03/03	
Final Action	01/00/04	

**Regulatory Flexibility Analysis  
Required:** Yes

**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

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RIN: 0581-AC32

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

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

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

**CFR Citation:** 7 CFR 56

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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RIN: 0581-AC33

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

Final Rule Stage

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

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

RIN: 0581-AB98

Cottonseed Chemist Licensing Program and the related official grading program. This rule will also update various commodity testing laboratory addresses and will adopt two sheilds that indicate that products have been tested and approved by AMS.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/03	68 FR 48322
NPRM Comment Period End	09/12/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis  
Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** James V. Falk,  
Scientist, Department of Agriculture,  
Agricultural Marketing Service,  
Technical Services Branch, 1400  
Independence Avenue SW, Room

3523—South Building, Washington, DC  
20250

Phone: 202 690-4089

Fax: 202 720-6496

Email: james.falk@usda.gov

RIN: 0581-AC18

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

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

RIN: 0581-AC26

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 91; 7 CFR 96

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is removing the

## USDA—AMS

## Final Rule Stage

**164. • GOOD GUIDANCE PRACTICES FOR THE NATIONAL ORGANIC PROGRAM (TM-03-03)**

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

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

**Abstract:** This action amends the U.S. Department of Agriculture's National

Organic Program (NOP) regulations by codifying policies and procedures for the development, issuance, and use of guidance documents. The intended effect of this regulation is to make the NOP's procedures for development, issuance, and use of guidance documents clear to the public.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0581-AC30

**Department of Agriculture (USDA) Agricultural Marketing Service (AMS)****Completed Actions****165. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICE OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS (DA-00-08)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 58

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/25/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Duane R. Spomer  
Phone: 202 720-7473  
Fax: 202 720-2643  
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**RIN:** 0581-AB93

**Agency Contact:** Richard H. Mathews  
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**RIN:** 0581-AB96

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**RIN:** 0581-AC13

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 205

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/29/03	

**Regulatory Flexibility Analysis Required:** Yes

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

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

**167. FLUE-CURED TOBACCO ADVISORY COMMITTEE: AMENDMENT TO REGULATIONS (TB-02-14)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 29

**Completed:**

Reason	Date	FR Cite
Final Action	05/13/03	68 FR 25484

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John P. Duncan  
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Fax: 202 205-0235  
Email: john.duncan3@usda.gov

**RIN:** 0581-AC11

**169. USER FEES FOR 2003 CROP COTTON CLASSIFICATION SERVICES (CN-02-006)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 28

**Completed:**

Reason	Date	FR Cite
Final Action	05/22/03	68 FR 27897
Final Action Effective	07/01/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Norma Randall McDill  
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**RIN:** 0581-AC17

**168. VOLUNTARY FEDERAL MEAT GRADING AND CERTIFICATION SERVICES (LS-02-06)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 54

**Completed:**

Reason	Date	FR Cite
Final Action	07/03/03	68 FR 39805

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** Federal

**Agency Contact:** Larry R. Meadows

**170. NATIONAL ORGANIC PROGRAM, AMENDMENT TO THE NATIONAL LIST OF ALLOWED AND PROHIBITED SUBSTANCES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 205

**Completed:**

Reason	Date	FR Cite
NPRM	04/16/03	68 FR 18556
Final Action	10/31/03	68 FR 61987
Final Action Effective	11/03/03	

**Regulatory Flexibility Analysis Required:** Yes

## USDA—AMS

## Completed Actions

**Government Levels Affected:** State

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

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**RIN:** 0581-AC19

**171. PACA: COATING OR BATTERING FRUITS AND VEGETABLES DOES NOT ALTER THEIR CHARACTER (FV-02-369)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 46

**Completed:**

Reason	Date	FR Cite
Final Action	05/02/03	68 FR 23377

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** James R. Frazier  
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**RIN:** 0581-AC21

**172. USDA "PRODUCED FROM" GRADEMARK FOR SHELL EGGS (PY-02-007)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 56

**Completed:**

Reason	Date	FR Cite
Final Action	05/13/03	68 FR 25484
Final Action Effective	06/12/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Rex A. Barnes  
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**RIN:** 0581-AC24

**173. • NATIONAL ORGANIC PROGRAM: AMENDMENTS TO THE NATIONAL LIST (2ND LIST)**

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

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

**Abstract:** This rule would amend regulations pertaining to the National Organic Program National List to reflect recommendations submitted by the National Organic Standards Board. This rule would add five substances, along with any restrictive annotations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/03	68 FR 27941
NPRM Comment Period End	06/02/03	
Final Action	11/03/03	68 FR 62215
Final Action Effective	11/04/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** State

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

**Agency Contact:** Richard H. Mathews, Program Manager, Department of Agriculture, Agricultural Marketing Service, Rm. 2510—South, 14th & Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AC27

**BILLING CODE** 3410-05-S

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

## Proposed Rule Stage

**174. AMENDMENTS TO THE STANDARDS FOR APPROVAL OF WAREHOUSES FOR COMMODITY CREDIT CORPORATION STORAGE CONTRACTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 714 et seq

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

**Legal Deadline:** None

**Abstract:** This action will amend the regulations governing the standards that warehouse operators must meet to enter into storage contracts with CCC to allow additional financial institutions the ability to provide irrevocable letters of credit to CCC to satisfy deficiencies that some warehouse operators may have in meeting their required net worth and provide for the collection of fees to defray the costs incurred by CCC in conducting examinations of non-U.S.

Warehouse Act facilities as a result of warehouse operators modifying existing contracts. Costs of about \$50,000 will be incurred by CCC to defray examination costs. Separate rules will be promulgated for each CFR part amended.

**Timetable:**

Action	Date	FR Cite
Reinstated by Agency	10/08/03	
NPRM	11/20/03	68 FR 65412
NPRM Comment Period End	01/20/04	
Final Action	To Be Determined	

**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, Room 0339 South

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**RIN:** 0560-AE50

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

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

**Legal Deadline:** None

**Abstract:** This action will amend the regulations to implement the provisions of the 2002 Farm Bill relating to the establishment of FSA county, area, and local committees. The statute provides that committees shall have from three to five members, that they shall be representative of the producers in the

## USDA—FSA

## Proposed Rule Stage

area, and that the term of office shall not exceed 3 years. It also provides that the Secretary shall solicit nominations from organizations representing the interests of socially disadvantaged groups and, if determined necessary, promulgate uniform guidelines for conducting elections that will ensure fair representation of socially disadvantaged groups. The Secretary may also ensure inclusion of socially disadvantaged farmers by appointing one additional voting member to a committee. The rule will provide for election procedures, including

nominations, opening of ballots and reporting of results.

Further, the rule will eliminate community committees from the existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572  
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**RIN:** 0560-AG90

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

## Final Rule Stage

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 31 USC 3716; 42 USC 1480

**CFR Citation:** 7 CFR 1951

**Legal Deadline:** None

**Abstract:** Currently, borrowers are considered “past due” for the first 30 days after a missed Farm Loan Program (FLP) payment and are then “delinquent.” This is not consistent with the terminology used by Farm Programs (FP), which considers borrowers “delinquent” immediately after a missed payment. This action will eliminate the 30-day past due period prior to delinquency. In addition to clarification and consistency, this change would allow FLP borrowers to receive debt write-down on the day after a missed payment, assuming all other primary loan servicing criteria are met, instead of waiting 31 days. This change will also clarify the use of the word delinquent with regard to all servicing and offsets. The rule will not affect the statutorily required “90 days past due” criteria that is currently used to determine the onset of primary loan servicing. This rule will not significantly affect costs for either the Government or borrowers.

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/03	68 FR 1170
NPRM Comment Period End	03/10/03	
Final Action	12/00/03	

**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, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572  
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**RIN:** 0560-AG50

**177. 2002 FARM BILL REGULATIONS—LOAN ELIGIBILITY WITH PRIOR DEBT FORGIVENESS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1941

**Legal Deadline:** None

**Abstract:** This action will seek to clarify language needed to implement the 2002 Farm Bill provisions relating to borrowers who received debt forgiveness and a change in the eligibility requirements for direct farm ownership loans: (1) The legislation provides that borrowers who received debt forgiveness may also be eligible for new direct or guaranteed operating loans if forgiveness resulted from a declared major emergency or natural disaster. However, besides areas designated as natural disasters, low-interest emergency loans are also

available in areas under plant or animal quarantines. This rule will obtain public comments on the types of emergencies or natural disasters to be considered eligible. (2) The legislation changes an eligibility requirement for direct farm ownership loans from persons who “operated” a farm to persons who “participated in the operation of” a farm. This rule will obtain public comments on the meaning of the new term. The expected cost is minimal.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/03	68 FR 17316
NPRM Comment Period End	06/09/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG81

**Department of Agriculture (USDA)**  
**Farm Service Agency (FSA)**
**Long-Term Actions**
**178. 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

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**RIN:** 0560-AF22

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

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AF60

**180. EMERGENCY CONSERVATION PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 701

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/02	67 FR 49879
NPRM Comment	09/30/02	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG26

**181. INTEREST ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 762

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG46

**182. 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	03/03/03	68 FR 9944
NPRM Comment	04/02/03	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG49

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 723

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/03	68 FR 1556
NPRM Comment	02/12/03	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG52

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 762

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG53

**185. SERVICING MINOR FARM LOAN PROGRAM LOANS**

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/03	68 FR 17320
NPRM Comment	06/09/03	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG67

## USDA—FSA

## Long-Term Actions

**186. 2002 FARM BILL REGULATIONS—CONSERVATION RESERVE PROGRAM**

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

**CFR Citation:** 7 CFR 701; 7 CFR 1410

**Timetable:**

Action	Date	FR Cite
Notice of Availability of Draft Environmental Impact Statement	09/06/02	67 FR 56979
Comment Period End	10/21/02	
Interim Final Rule	05/08/03	68 FR 24829
Interim Final Rule Comment Period End	07/07/03	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG74

**187. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1439

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG76

**188. 2002 FARM BILL REGULATIONS—TREE ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 783

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/03	68 FR 47499
NPRM Comment Period End	10/10/03	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG83

**189. REVISION OF INDIAN TRIBAL LAND ACQUISITION PROGRAM LOAN REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 770

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG87

**190. CLARIFICATION OF INFORMAL APPEALS PROCEDURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 780

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Phillip Elder  
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**RIN:** 0560-AG88

**191. 2003—CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1464

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG92

**192. ● REVISIONS TO DIRECT FARM LOAN PROGRAMS APPRAISAL REGULATIONS**

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

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

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

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Farm Service Agency's (FSA) regulations governing real estate and chattel appraisals. In the loan making process, the rule proposes to allow FSA to obtain appraisals after loan funds become available and the applicant is determined eligible. Also, the rule proposes to increase the dollar threshold that determines when a real estate appraisal is required. In loan servicing, the rule proposes to raise the dollar threshold for real estate appraisals in partial release situations, and allow the Agency to release real estate security without appraising the retained real estate in some cases. All these changes will reduce FSA's appraisal costs and enhance the timeliness of program delivery of certain loan making and servicing actions.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/03	68 FR 50479
NPRM Comment Period End	10/20/03	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Agency Contact:** Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS

## USDA—FSA

## Long-Term Actions

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**RIN:** 0560-AH01

### 193. ● ENVIRONMENTAL COMPLIANCE AND RELATED CONCERNS

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

**Legal Authority:** 42 U.S.C. 4321 et seq

**CFR Citation:** 7 CFR 799

**Legal Deadline:** None

**Abstract:** This action will provide the Farm Service Agency (FSA) with an environmental compliance regulation that improves and clarifies its requirements to comply with the National Environmental Policy Act, the National Historic Preservation Act and numerous other environmental and cultural resource laws, regulations, and Executive Orders.

#### Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm

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**RIN:** 0560-AH02

### 194. ● OUTSIDE STORAGE OF EXTRA LONG STAPLE LOAN COTTON

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

**Legal Authority:** 7 USC 7213; 15 USC 714b; PL 106-387

**CFR Citation:** 7 CFR 1427

**Legal Deadline:** None

**Abstract:** The Farm Service Agency (FSA) is amending regulations governing loan eligibility to permit outside storage of extra long staple (ELS) loan cotton by producers at facilities meeting certain requirements. Current policy requires that cotton must be stored inside a warehouse to be eligible for a loan. This rule change will reduce storage costs for producers able to meet the technical requirements for outside storage. These storage savings should enable that cotton to be sold at a more competitive price in domestic and export markets. ELS cotton loans are nonrecourse marketing assistance loans that are repaid in full based on an interest rate 1 percent above CCC's cost of borrowing. CCC does not pay any storage or other charges associated with the loan and

charges producers a loan-servicing fee. USDA estimates that there will be no increase in ELS cotton production as a result of this rule, and so no increase in loan forfeitures is foreseen. However, the quantity of ELS cotton placed under loan may increase by producers that use outside storage. Thus, some increase in loan volume and gross loan outlays is estimated, but net loan outlays or forfeitures to CCC are estimated as unchanged.

#### Timetable:

Action	Date	FR Cite
NPRM	08/18/03	68 FR 49327
NPRM Comment Period End	09/17/03	
Final Action	To Be	Determined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** 11192 Cotton Farming

#### URL For More Information:

[www.fsa.usda.gov/](http://www.fsa.usda.gov/)

#### URL For Public Comments:

[www.regulations.gov/](http://www.regulations.gov/)

**Agency Contact:** Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0560-AH03

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

## Completed Actions

### 195. 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

#### Completed:

Reason	Date	FR Cite
Withdrawn	07/24/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AE54

### 196. PROMPT DISASTER SET-ASIDE CONSIDERATION AND PRIMARY LOAN SERVICING

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1951

#### Completed:

Reason	Date	FR Cite
Final Action	09/25/03	68 FR 55299

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0560-AG56

## USDA—FSA

## Completed Actions

**197. 2002—CROP MARKETING QUOTAS 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
Withdrawn—No further action to be taken	11/24/03	

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

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**RIN:** 0560-AG58**198. 2002—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
Withdrawn	11/24/03	

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

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**RIN:** 0560-AG59**199. 2002—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
Withdrawn	11/24/03	

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

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**RIN:** 0560-AG60**200. PRODUCER DISQUALIFICATION FOR CROP INSURANCE FRAUD****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1405**Completed:**

Reason	Date	FR Cite
Final Action	07/02/03	68 FR 39447

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

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**RIN:** 0560-AG70**201. 2002 FARM BILL REGULATIONS—BIOENERGY PROGRAM****Priority:** Other Significant**CFR Citation:** 7 CFR 1424**Completed:**

Reason	Date	FR Cite
Final Action	05/07/03	68 FR 24596

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

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**RIN:** 0560-AG84**202. 2002 FARM BILL REGULATIONS—INCOME LIMITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1400**Completed:**

Reason	Date	FR Cite
Final Action	06/04/03	68 FR 33341

**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-AG86**203. PROVIDING FARM LOANS IN A NATIONAL SECURITY EMERGENCY****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 763; 7 CFR 775**Completed:**

Reason	Date	FR Cite
Withdrawn	11/01/03	

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

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560-AG89**204. 2003—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
Withdrawn	11/24/03	

**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-AG91**205. 2003—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
Withdrawn—No further action to be taken	11/24/03	

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

Phone: 202 205-5851

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**RIN:** 0560-AG93**206. CROP INSURANCE LINKAGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1405



## USDA—FSA

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Withdrawn	11/24/03	

**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-AG94**207. 2003 AGRICULTURAL ASSISTANCE ACT—CROP DISASTER PROGRAM, LIVESTOCK ASSISTANCE PROGRAM, AND WEATHER-RELATED LOSSES FOR SUGAR BEETS****Priority:** Economically Significant.

Major under 5 USC 801.

**CFR Citation:** 7 CFR 1412; 7 CFR 1480**Completed:**

Reason	Date	FR Cite
Final Action	06/26/03	68 FR 37936

**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-AG95**208. COTTONSEED PAYMENT PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1427**Completed:**

Reason	Date	FR Cite
Final Action	04/25/03	68 FR 20331

**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-AG97**209. HURRICANE ASSISTANCE FOR SUGARCANE PRODUCERS AND PROCESSORS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1435**Completed:**

Reason	Date	FR Cite
Final Action	08/07/03	68 FR 47010

**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-AG98**210. • TECHNICAL CHANGES TO CITIZENSHIP DEFINITION AND LOAN ELIGIBILITY REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1981**CFR Citation:** 7 CFR 762; 7 CFR 764; 7 CFR 1943; 7 CFR 1941**Legal Deadline:** None

**Abstract:** The Farm Service Agency (FSA) is amending its regulations governing loan eligibility to conform with recent changes in other regulations and statutes. Specifically, this rule will change the term "citizenship" according to that now used by the United States Department of Homeland Security, Immigration and Naturalization Service, (2) allow a loan to an applicant that is operating in accordance with a confirmed bankruptcy plan, (3) prohibit operating loans to an applicant that is delinquent on an FSA guaranteed loan, (4) remove provisions for making non-farm enterprise loans, which are no longer authorized, (5) remove provisions for annual production loans to delinquent borrowers, which are no longer authorized, (6) correct the definition for socially disadvantaged applicant, and (7) amend the regulation covering installment schedules for balloon payments.

**Timetable:**

Action	Date	FR Cite
Final Action	11/03/03	68 FR 62221

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** 11 Agriculture, Forestry, Fishing, and Hunting**Agency Contact:** Phillip Elder, Agricultural Economist, Department of

Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560-AG99**211. • SUGAR BEET DISASTER PROGRAM****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 108-7; 15 USC 714**CFR Citation:** 7 CFR 1481**Legal Deadline:** None

**Abstract:** This rule implements provisions of the Agricultural Assistance Act of 2003, Public Law 108-7, related to the Sugar Beet Disaster Program. This program will assist sugar beet producers who suffered production losses for either the 2001 or 2002 crop year due to weather related disasters which resulted in the prevention of planting or the reduction of quantity or quality while the beets were in the field. Outlays were \$60 million.

**Timetable:**

Action	Date	FR Cite
Final Action	08/18/03	68 FR 49325

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** 111 Crop Production

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AH04**212. • REMOVAL OF OBSOLETE REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 714; PL 106-113; PL 106-387; PL 106-224

## USDA—FSA

## Completed Actions

**CFR Citation:** 7 CFR 1411; 7 CFR 1439; 7 CFR 1447; 7 CFR 1464; 7 CFR 1469; 7 CFR 1476; 7 CFR 1477; 7 CFR 1478; 7 CFR 1479; ...

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	10/28/03	68 FR 61324

**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, Room 0339 South Building, MS 0572, 1400 Independence

Avenue SW, Washington, DC 20250-0572  
Phone: 202 205-5851  
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Email: tom\_witzig@wdc.fsa.usda.gov

**RIN:** 0560-AH05

### 213. ● PURCHASE OF CROP INSURANCE FOR TOBACCO PRICE SUPPORT ELIGIBILITY

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

**Legal Authority:** 7 USC 1421; 15 USC 714

**CFR Citation:** 7 CFR 1464

**Legal Deadline:** None

**Abstract:** This action amends the Tobacco Loan Program regulations to reflect changes in the law requiring that tobacco must be insured to be eligible for price support loans and to revise various organizational titles and OMB control numbers associated with

information collections needed to implement this part.

**Timetable:**

Action	Date	FR Cite
Final Action	11/20/03	68 FR 65385

**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, Room 0339 South Building, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250-0572  
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**RIN:** 0560-AH06

**BILLING CODE** 3410-34-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

## 214. PLUM POX COMPENSATION

**Priority:** Other Significant

**Legal Authority:** 7 USC 7701 to 7772; 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:** This rulemaking provides 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/14/00	65 FR 55431

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/13/00	
NPRM	10/16/03	68 FR 59548
NPRM Comment Period End	12/15/03	
Final Action	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**Agency Contact:** 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

### 215. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 3

**Legal Deadline:** None

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

## USDA—APHIS

## Proposed Rule Stage

the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End	07/29/02	
NPRM	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

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

**RIN:** 0579-AB24

### 216. CHRONIC WASTING DISEASE IN ELK AND DEER; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY

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

**RIN:** 0579-AB35

### 217. KARNAL BUNT COMPENSATION

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 301

**Legal Deadline:** None

**Abstract:** We are amending the Karnal bunt regulations to provide compensation for certain growers and handlers of grain and seed affected by Karnal bunt who are not currently eligible for compensation, for certain wheat grown outside the regulated area that was commingled with wheat grown in regulated areas, and for other

parties affected by the Karnal bunt regulations. The payment of compensation is necessary in order to encourage the participation of, and obtain cooperation from, affected individuals in our efforts to contain and reduce the prevalence of Karnal bunt.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561
Interim Final Rule Comment Period End	07/01/02	
NPRM	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**Agency Contact:** Robert G. Spaide, Senior Program Manager, Surveillance and Emergency Programs Planning and Coordination, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 134, 4700 River Road, Riverdale, MD 20737-1236  
Phone: 301 734-7819

**RIN:** 0579-AB45

### 218. COST-SHARING FOR ANIMAL AND PLANT HEALTH EMERGENCY PROGRAMS

**Priority:** Other Significant

**Legal Authority:** 7 USC 7701 to 7772; 7 USC 8301 to 8317

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

**Legal Deadline:** None

**Abstract:** This action would establish criteria to determine the Federal share of financial responsibility relative to States and other cooperators in an emergency in which an animal or plant pest or disease threatens the agricultural production of the United States. The cost-sharing arrangements provided in this rule would apply to most emergency program activities, other than the payment of compensation, that are authorized under the Plant Protection Act and the Animal Health Protection Act. The

intent of this action would be to facilitate long-term resource planning and funding decisions by cooperators.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/03	68 FR 40541
NPRM Comment Period End	11/07/03	
Next Action Undetermined	To Be	Determined

**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:** Kevin Shea, Deputy Administrator, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 116, Unit 20, 316-E J. L. Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-8015

**RIN:** 0579-AB50

### 219. TRICHINAE CERTIFICATION PROGRAM

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	
NPRM Comment Period End	07/00/04	

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

**RIN:** 0579-AB52**220. METHYL BROMIDE; AUTHORIZATION AS OFFICIAL QUARANTINE USE****Priority:** Other Significant**Legal Authority:** 7 USC 7719**CFR Citation:** 7 CFR 304**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

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

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

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

**RIN:** 0579-AB54**221. • BOVINE SPONGIFORM ENCEPHALOPATHY: MINIMAL RISK REGIONS AND IMPORTATION OF COMMODITIES**

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

**RIN:** 0579-AB73

## Department of Agriculture (USDA)

## Animal and Plant Health Inspection Service (APHIS)

## Final Rule Stage

**222. ANIMAL WELFARE; INSPECTION, LICENSING, AND PROCUREMENT OF ANIMALS****Priority:** Other Significant**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 1 to 2**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/00	65 FR 47908

Action	Date	FR Cite
NPRM Comment Period End	10/03/00	
NPRM Comment Period Reopened and Extended	10/19/00	65 FR 62650
NPRM Comment Period End	11/20/00	
Final Action	05/00/04	

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

Undetermined

**Additional Information:** APHIS

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

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

**RIN:** 0579-AA94**223. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES FROM MEXICO****Priority:** Other Significant

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

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

**Abstract:** This action would add restrictions on the importation of pine

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/99	64 FR 31512
NPRM Comment Period End	08/10/99	
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

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

**RIN:** 0579-AB02

## 224. BLOOD AND TISSUE COLLECTION AT SLAUGHTERING ESTABLISHMENTS

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**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
NPRM	11/27/02	67 FR 70864
NPRM Comment Period End	01/27/03	
NPRM Comment Period Extended	03/28/03	68 FR 3826
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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

**Agency Contact:** Dr. 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 7344-44363

**RIN:** 0579-AB13

## 225. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This rule would amend our regulations to require that a phytosanitary certificate accompany all fruits and vegetables imported into the United States, with certain exceptions. The rule would include commercial produce imported into the United States, as well as fruits and vegetables brought in by travelers.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** Federal

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

**Agency Contact:** 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-AB18

## 226. BEES AND RELATED ARTICLES

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 319; 7 CFR 322

**Legal Deadline:** None

**Abstract:** This rule would revise the regulations for the importation of honeybees and honeybee semen. Among other things, it would allow, under certain conditions, the importation into the United States of honeybees from Australia and

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honeybees and honeybee germ plasm from New Zealand. It also would make these regulations more consistent with standards established by the Office International des Epizooties, update them to reflect current research and terminology, and simplify them and make them more useful.

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**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. 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

**227. VETERINARY DIAGNOSTIC USER FEES—5-YEAR PLAN FOR FEES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 130

**Legal Deadline:** None

**Abstract:** 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
NPRM	07/24/03	68 FR 43661
NPRM Comment Period End	09/22/03	
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

**Agency Contact:** 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

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

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

**RIN:** 0579-AB34

**229. INFECTIOUS SALMON ANEMIA; PAYMENT OF INDEMNITY**

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** 9 CFR 53

**Legal Deadline:** None

**Abstract:** This rule amended 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 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 Comment Period End	06/10/02	
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** State

**Additional Information:** APHIS

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

**Agency Contact:** Dr. 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: 301 734-6188

**RIN:** 0579-AB37

**230. 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 sought comment on a policy statement to provide guidance to exhibitors and other regulated entities for the training and handling of potentially dangerous animals,

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adequate experience and training of trainers, handlers, and attendants, and points to consider when developing emergency contingency plans. After reviewing the comments received and considering alternative ways to provide guidance and promote compliance with the regulations, APHIS has decided not to proceed with a final policy statement.

**Timetable:**

Action	Date	FR Cite
Draft Policy Statement	02/18/00	65 FR 8318
Comment Period End	04/18/00	
Agency Decision	01/00/04	

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

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

**Agency Contact:** Dr. 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-AB39

**231. BRUCELLOSIS IN SHEEP, GOATS, AND HORSES; PAYMENT OF INDEMNITY**

**Priority:** Other Significant

**Legal Authority:** 7 USC 8301 to 8316

**CFR Citation:** 9 CFR 51

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/01	66 FR 47593
NPRM Comment Period End	11/13/01	
Final Action	12/00/03	

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

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

**Agency Contact:** Dr. 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

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

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

**RIN:** 0579-AB47

**233. IMPORTATION OF SOLID WOOD PACKING MATERIAL; ADOPTION OF INTERNATIONAL STANDARDS**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations for the importation of unmanufactured wood articles to adopt an international standard entitled "Guidelines for Regulating Wood Packaging Material in International Trade" that was approved by the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention on March 15,

2002. The standard calls for wood packaging material to be either heat treated or fumigated with methyl bromide, in accordance with the Guidelines, and marked with an approved international mark certifying treatment. The rule would adopt the IPPC Guidelines because recent analyses of pest interceptions at ports show an increase in pests associated with certain wood packaging material. This increase in pests was found in wood packaging material that does not meet the IPPC Guidelines' (e.g., wood packaging material from everywhere except China, which must already be treated due to past pest interceptions). There has been a decrease in pests associated with wood packaging material from China, however, since we began requiring that material be treated prior to importation. This change would affect all persons using wood packaging material in connection with importing goods into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/03	68 FR 27480
NPRM Comment Period End	07/21/03	
Final Action	01/00/04	

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

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

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

**RIN:** 0579-AB48

**234. ANIMAL WELFARE; TRANSPORTATION OF ANIMALS ON INTERNATIONAL CARRIERS**

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 1 to 3

**Legal Deadline:** None

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**Abstract:** This document gives notice that we intend to begin consistently and routinely applying the standards in the Animal Welfare Act regulations for the humane transportation of animals in commerce to international carriers operating with the United States, its territories, possessions, or the District of Columbia. While these standards have been enforced on domestic carriers, international carriers, for the most part, have not been held to the same requirements, and there have been instances of foreign carriers arriving in the United States with sick, dying, or dead animals, possibly as a result of improper handling or transportation conditions. This action will ensure that any animal covered by the Animal Welfare Act, whether coming into, traveling from point to point in, or leaving the United States, its territories, possessions, or the District of Columbia, will be provided the protection of the Animal Welfare Act while in transportation.

**Timetable:**

Action	Date	FR Cite
Determination to Regulate	10/10/03	68 FR 58575
Comment Period End	12/09/03	
Determination to Regulate Effective	04/07/04	
Final Action	05/00/04	

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

Undetermined

**Additional Information:** APHIS

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

**Agency Contact:** Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 84, Unit 84, 4700 River Road, Riverdale, MD 20737  
Phone: 301 734-7586

**RIN:** 0579-AB51**235. PROCEDURES FOR REESTABLISHING A REGION AS FREE OF A DISEASE****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317**CFR Citation:** 9 CFR 92**Legal Deadline:** None

**Abstract:** This rule would establish procedures that APHIS will follow when a region that we recognize as free of a disease experiences an outbreak of that disease. The procedures include steps we would take to prevent the introduction of disease from that region and steps we would take to further assess the region's animal health status. The procedures would allow for timely reinstatement of the region's disease-free status if supported by the reassessment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/03	68 FR 37426
NPRM Comment Period End	08/25/03	
Final Action	01/00/04	

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

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

**Agency Contact:** Dr. Gary Colgrove, Assistant Director, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 38, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-4356

**RIN:** 0579-AB53**236. • ANIMAL WELFARE; DEFINITION OF ANIMAL****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 2131 to 2159**CFR Citation:** 9 CFR 1**Legal Deadline:** None

**Abstract:** We are amending the Animal Welfare Act (AWA) regulations to reflect an amendment to the Act's definition of the term animal. The Farm Security and Rural Investment Act of 2002 amended the definition of animal to specifically exclude birds, rats of the genus *Rattus*, and mice of the genus *Mus* bred for use in research. While the definition of animal in the regulations excludes rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, that definition also excludes all birds (i.e., not just those bred for use in research). To make the definition of animal in the regulations consistent with the definition of animal in the AWA, this final rule amends the regulations by narrowing of the scope of the exclusion for birds to only those birds bred for use in research. This final rule is intended only to make the definition of animal in the regulations consistent with the definition of animal in the AWA. We do not intend to immediately begin regulating birds not bred for use in research as a result of this action.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/04	

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

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

**Agency Contact:** Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 84, Unit 84, 4700 River Road, Riverdale, MD 20737  
Phone: 301 734-7586

**RIN:** 0579-AB69



**Department of Agriculture (USDA)**  
**Animal and Plant Health Inspection Service (APHIS)**
**Long-Term Actions****237. PLANT PEST REGULATIONS; UPDATE OF CURRENT PROVISIONS****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**238. IMPORTATION OF FUJI VARIETY APPLES FROM THE REPUBLIC OF KOREA****Priority:** Other Significant**CFR Citation:** 7 CFR 319.56-2cc**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** None**Agency Contact:** Wayne D. Burnett  
Phone: 301 734-6799**RIN:** 0579-AA93**239. PSEUDORABIES IN SWINE; PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 52**Timetable:**

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

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/19/00	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Adam G. Grow  
Phone: 301 734-3752**RIN:** 0579-AB10**240. IMPORTATION PROHIBITIONS BECAUSE OF BOVINE SPONGIFORM ENCEPHALOPATHY****Priority:** Other Significant**CFR Citation:** 9 CFR 94.18; 9 CFR 95.1; 9 CFR 95.4; 9 CFR 95.29 (New)**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Donna L. Malloy  
Phone: 301 734-3277**RIN:** 0579-AB26**241. ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS; PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 50**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Terry Beals  
Phone: 301 734-5467**RIN:** 0579-AB29**242. IMPORTATION OF MILK AND MILK PRODUCTS FROM FMD COUNTRIES****Priority:** Other Significant**CFR Citation:** 9 CFR 94**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Karen A. James-Preston  
Phone: 301 734-4356**RIN:** 0579-AB38**243. RISK REDUCTION STRATEGIES FOR POTENTIAL BSE PATHWAYS INVOLVING DOWNER CATTLE AND DEAD STOCK OF CATTLE AND OTHER SPECIES****Priority:** Other Significant**CFR Citation:** Not Yet Determined**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Lisa Ferguson  
Phone: 301 734-8073**RIN:** 0579-AB43**244. AMEND REGULATIONS TO HARMONIZE OUR IMPORT REQUIREMENTS WITH PROPOSED NATIONAL TUBERCULOSIS ERADICATION PROGRAM****Priority:** Other Significant**CFR Citation:** 9 CFR 93**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** S. Anne Goodman

## USDA—APHIS

## Long-Term Actions

Phone: 301 734-4929

RIN: 0579-AB44

**245. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 301; 7 CFR 319

**Timetable:**

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

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Weyman Fussell  
Phone: 301 734-5705

RIN: 0579-AB55

## Department of Agriculture (USDA)

## Completed Actions

## Animal and Plant Health Inspection Service (APHIS)

**246. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES; SOLID WOOD PACKING MATERIAL**Priority: Economically Significant.  
Major under 5 USC 801.

CFR Citation: 7 CFR 319

**Completed:**

Reason	Date	FR Cite
Replaced by 0579-AB48	08/25/03	

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: Federal

Agency Contact: Robert Flanders

Phone: 301 734-5930

RIN: 0579-AA99

Regulatory Flexibility Analysis  
Required: Yes

Government Levels Affected: None

Additional Information: APHIS documents published in the Federal Register and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.Agency Contact: William Thomas, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 140, 4700 River Road, Unit 140, Riverdale, MD 20737-1236  
Phone: 301 734-6799

RIN: 0579-AB23

**247. NURSERY STOCK REGULATIONS**

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 300; 7 CFR 319

Legal Deadline: None

Abstract: This rule amended the regulations for importing nursery stock to require additional treatment certifications for imported niger seed and lilac, to reflect changes in plant taxonomy and pest distributions, and to make various changes to the requirements for postentry quarantine of imported plants. The rule also made several changes to update and clarify the regulations and improve their effectiveness.

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/01	66 FR 67123
NPRM Comment Period End	02/26/02	
Final Action	08/20/03	68 FR 50039
Final Action Effective	09/19/03	

**248. SALMONELLA ENTERITIDIS PHAGE—TYPE 4; REMOVE IMPORT RESTRICTIONS AND SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS; REMOVE REGULATIONS**

Priority: Other Significant

CFR Citation: 9 CFR 71; 9 CFR 82; 9 CFR 94

**Completed:**

Reason	Date	FR Cite
Final Action	06/20/03	68 FR 36898
Final Action Effective	06/20/03	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Michael David  
Phone: 301 734-8093

RIN: 0579-AB31

**249. LOW PATHOGENIC AVIAN INFLUENZA; PAYMENT OF INDEMNITY**

Priority: Other Significant

CFR Citation: 9 CFR 53

**Completed:**

Reason	Date	FR Cite
Final Action	07/18/03	68 FR 42565
Final Action Effective	07/18/03	

Regulatory Flexibility Analysis  
Required: Yes

Government Levels Affected: Federal

Agency Contact: Cheryl Hall

Phone: 301 734-4924

RIN: 0579-AB46

**250. FLAG SMUT IMPORT PROHIBITIONS ON WHEAT AND RELATED PRODUCTS**

Priority: Other Significant

CFR Citation: 7 CFR 319

**Completed:**

Reason	Date	FR Cite
ANPRM Comment Period End	04/08/03	
Withdrawn	11/24/03	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Jeanne Van Dersal  
Phone: 301 734-8537

RIN: 0579-AB49

**251. • AGRICULTURAL INSPECTION AND AI USER FEES ALONG THE U.S./CANADA BORDER**

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

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

## USDA—APHIS

## Completed Actions

**CFR Citation:** 7 CFR 319; 7 CFR 354**Legal Deadline:** None

**Abstract:** We are amending the foreign quarantine and user fee regulations by removing the exemptions from inspection for agricultural products imported from Canada and the exemptions from user fees for commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers entering the United States from Canada. As a result of this action, agricultural products imported from Canada will be subject to inspection, and the commercial conveyances in which they are moved, as well as airline passengers arriving on flights from Canada, will be subject to inspection user fees. We are taking this action because recent

inspections along the U.S./Canada border resulted in numerous interceptions of prohibited regulated material that originated in regions other than Canada that presents a high risk of introducing plant pests or animal diseases into the United States. This action is necessary to prevent the introduction of plant pests and animal diseases through unauthorized importations into the United States through Canada.

**Timetable:**

Action	Date	FR Cite
Withdrawn	11/20/03	

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

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

**Agency Contact:** Alan S. Green, Assistant Director, Quarantine Policy Analysis and Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 36, Riverdale, MD 20737

Phone: 301 734-8295

**RIN:** 0579-AB70**BILLING CODE** 3410-09-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

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

**252. CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 341 et seq; 7 USC 1444**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/04	
Final Action	09/00/04	

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

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

**RIN:** 0524-AA26**253. CSREES AGRICULTURAL RESEARCH FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 361a et seq; 7 USC 1445; 7 USC 1622; 16 USC 582a et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Passage of the Farm Security and Rural Investment Act of 2002, sections 7202, 7204, 7212, and 7213, has resulted in the need for CSREES to clarify its distribution of funding, matching requirements, carryover

provisions, and reporting requirements for the Hatch Act funds, Hatch Multi-State Research funds, Evans-Allen Program funds, McIntire-Stennis Cooperative Forestry Act funds, and Animal Health and Disease Research funds.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	06/00/04	

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

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

**RIN:** 0524-AA27

## Department of Agriculture (USDA)

Final Rule Stage

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

**254. MATCHING REQUIREMENTS FOR FORMULA FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES AT THE 1890 LAND-GRANT INSTITUTIONS AND AT THE 1862 LAND-GRANT INSTITUTIONS IN INSULAR AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 361a et seq; 7 USC 341 et seq; 7 USC 1449**CFR Citation:** 7 CFR 3419**Legal Deadline:** None

**Abstract:** Passage of the Farm Security and Rural Investment Act of 2002, sections 7212 and 7213, has changed the matching requirements for the 1890 Land-Grant Institutions and the 1862 Land-Grant Institutions in insular areas. Issues regarding the use of matching funds, sources of matching funds, and matching waivers for the Insular 1862 Land-Grant Institutions need to be clarified.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/03	68 FR 23014
NPRM Comment Period End	06/30/03	
Final Action	11/00/03	

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

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

**RIN:** 0524-AA25**255. CSREES NON-FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 450i; PL 101-624; PL 105-185; PL 104-127; ...**CFR Citation:** 7 CFR 3427; 7 CFR 3400; 7 CFR 3402; 7 CFR 3405; 7 CFR 3406; ...**Legal Deadline:** None

**Abstract:** CSREES plans to propose one administrative provision that contains the elements common to all of the competitive and noncompetitive grant

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

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/04	

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

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

**RIN:** 0524-AA28**BILLING CODE** 3410-XV-S

## Department of Agriculture (USDA)

Proposed Rule Stage

## Rural Housing Service (RHS)

**256. CIVIL RIGHTS COMPLIANCE REQUIREMENTS—1901-E TO 1940-D****Priority:** Other Significant**Legal Authority:** PL 100-259; 29 USC 794; PL 94-135; 42 USC 6101 et seq; PL 94-239; 15 USC 1601 et seq; EO 11246; PL 88-352; 42 USC 2000d et seq; PL 90-284; 42 USC 3601 to 3619; PL 100-430; PL 92-318; 20 USC 1681 et seq; PL 93-112; EO 12898**CFR Citation:** 7 CFR 15; 12 CFR 202; 28 CFR 42; 45 CFR 90; 41 CFR 60 to 64; 24 CFR 14; 7 CFR 1940 subpart D; 7 CFR 1901 subpart E**Legal Deadline:** None

**Abstract:** The Agency intends to publish a proposed rule to effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); title VI of the Civil Rights Act of 1964; title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act); section 504 Federally

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

**Timetable:**

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

**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  
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Email: carlton.lewis@usda.gov

**RIN:** 0575-AA83**257. 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

## USDA—RHS

## Proposed Rule Stage

**Abstract:** The Agency is rewriting its regulations to conform to the requirements of the National Flood Insurance Reform Act of 1994 (NFIRA).

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

**RIN:** 0575-AC07

**258. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Beth Jones, Loan Specialist, Community Programs Division, Department of Agriculture, Rural Housing Service, Room 0183/Stop 0787, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-1498  
Email: beth.jones@usda.gov

**RIN:** 0575-AC12

**259. SELF-HELP TECHNICAL ASSISTANCE GRANTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0575-AC20

**260. 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	06/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Angela Lausman, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 0183/STOP 0787, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1497  
Email: angela.lausman@usda.gov

**RIN:** 0575-AC27

**261. • PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT**

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

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

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

**Legal Deadline:** None

**Abstract:** The Rural Housing Service (RHS) an Agency in Rural Development is consolidating, simplifying, and updating the Agency standards for planning and developing sites and buildings to bring them in line with contemporary industry standards. This Agency regulation will contain the policies and procedures for planning and developing sites and buildings proposed for RHS financial assistance. This effort will produce a user-friendly tool to help program constituents, rural communities and Agency personnel. The consolidation effort will also bring the requirements of these two regulations in line with the Agency's

## USDA—RHS

## Proposed Rule Stage

Single Family Housing, Multi-Family Housing, Community Programs, and Business and Industry regulations and handbooks. This action will have no financial impact on the public or Agency. These consolidations and technical revisions are in the best interest of the Government and public. This is a positive and needed action in RHS program delivery and will add value to the access and delivery of the Agency's programs.

**Timetable:**

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

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

**Agency Contact:** Keith A. Suerdieck, Deputy Director, Program Support Staff, Department of Agriculture, Rural Housing Service, 6th Floor, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-9651

Fax: 202 690-4335  
Email: keith.suerdieck@usda.gov

**RIN:** 0575-AC55**262. • ENVIRONMENTAL POLICIES AND PROCEDURES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 1794; 7 CFR 1940, subpart G**Legal Deadline:** None

**Abstract:** The Rural Development Agencies (Rural Housing Service, Rural Utilities Service and Rural Business-Cooperative Service) are seeking to consolidate, simplify, and update the different Agency environmental requirements into a common environmental regulation. This Rural Development regulation will replace 7 CFR 1794, the current RUS environmental regulation and 7 CFR 1940-G, the current RHS/RBS environmental regulation. This consolidation effort will produce a

single user-friendly tool to help the program constituents, rural communities and personnel of the Rural Development Agencies and bring the environmental requirements of Agency actions in line with the environmental requirements of other Federal programs for similar actions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

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

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

**RIN:** 0575-AC56
**Department of Agriculture (USDA)  
Rural Housing Service (RHS)**

## Final Rule Stage

**263. MULTI-FAMILY HOUSING (MFH) REINVENTION**

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

**RIN:** 0575-AC13**264. GUARANTEED SINGLE-FAMILY HOUSING****Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 3555; 7 CFR 1980, subpart D**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124
NPRM Comment Period End	02/14/00	
Final Action	06/00/04	

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

**Agency Contact:** Robert Keyes, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 2248/STOP 0784, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-4507  
Fax: 202 205-2476  
Email: robert.keyes@usda.gov

**RIN:** 0575-AC18**265. 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

## USDA—RHS

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/02/01	
Final Action	12/00/03	

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

**Agency Contact:** Douglas MacDowell, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Stop 0781, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1627  
Fax: 202 690-3444  
Email: douglas.macdowell@usda.gov  
**RIN:** 0575-AC24

**266. 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 to 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	12/00/03	

**Regulatory Flexibility Analysis Required:** 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  
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**RIN:** 0575-AC25**267. GUARANTEED RURAL RENTAL HOUSING PROGRAM—SECONDARY MORTGAGE MARKET PARTICIPATION****Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 3565**Legal Deadline:** None

**Abstract:** Section 538 of title V of the Housing Act of 1949 authorizes USDA to make commitments to guarantee loans for the development of housing and related facilities. By this authority, the Rural Housing Service (RHS) administers the Guaranteed Rural Rental Housing Program. The RHS, through consultation with industry and government experts in the loan guarantee field, has identified barriers to the success of the program. In the case of default, regulations will be revised to allow for a timely payment to the investor. In addition, lenders will be allowed to submit a claim for "estimated" losses. The RHS also intends to lower the annual guarantee fee from 50 to 25 basis points.

**Timetable:**

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

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

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

**RIN:** 0575-AC28**268. ● FIRE AND RESCUE AND OTHER COMMUNITY FACILITY PROJECTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1926**CFR Citation:** 7 CFR 1942**Legal Deadline:** None

**Abstract:** The Agency proposes to publish a Direct Final Rule which would allow essential community facility projects currently defined under 7 CFR 1942, subpart A to be processed under 7 CFR 1942, subpart C if these projects are \$300,000 and under. This action will streamline the existing regulation by not requiring a preapplication for all projects \$300,000 and under.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/03	

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

**Agency Contact:** Dan Riggs, Loan Specialist, Department of Agriculture, Rural Housing Service, Stop 0787, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1490  
Fax: 202 690-0471  
Email: dan.riggs@usda.gov

**RIN:** 0575-AC53**269. ● 3550 REGULATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 1472**CFR Citation:** 7 CFR 3550**Legal Deadline:** None

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

## USDA—RHS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ethen Gillespie, Senior Loan Specialist, Department of Agriculture, Rural Housing Service,

Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1482  
Fax: 202 690-0702  
Email: ethen.gillespie@usda.gov  
**RIN:** 0575-AC54

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

## Completed Actions

**270. ENVIRONMENTAL PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400; 7 CFR 1940

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/10/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Rodgers  
Phone: 202 720-9647

**RIN:** 0575-AB98  
**BILLING CODE** 3410-08-S

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

## Proposed Rule Stage

**271. 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	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB00

**272. 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	05/00/04	

**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

**273. 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	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB73



## USDA—FCIC

## Proposed Rule Stage

**274. COMMON CROP INSURANCE REGULATIONS; NURSERY CROP INSURANCE PROVISIONS****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**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 2005 crop year to: Specify that container grown and field grown plants are separate crops, provide optional units by location for field grown nursery plants, incorporate the "lower of" rule into section 6 of the provisions, permit insureds to purchase insurance coverage on a year-round basis, and incorporate provisions to provide a rehabilitation payment for plants damaged by an insured cause of loss.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	

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

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

**RIN:** 0563-AB80**275. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY (APH)****Priority:** Other Significant**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	

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

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

**RIN:** 0563-AB83**276. 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	05/00/04	

**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**277. GENERAL ADMINISTRATIVE REGULATIONS; QUALITY ASSURANCE AND PERFORMANCE MEASUREMENT SYSTEM FOR THE FEDERAL CROP INSURANCE PROGRAM****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l), 7 USC 1506(p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation (FCIC) proposes a regulation to amend its General Administrative Regulations that includes an additional subpart which contains the Quality Assurance and Performance Measurement System for private sector delivery of the Federal Crop Insurance program.

This regulation will establish a standard of measure for determining acceptable and unacceptable levels of performance by private insurance providers. It will define how monetary errors will be identified, classified, and reported. It will also establish a system of incentives and sanctions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	

**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-AB88

## USDA—FCIC

## Proposed Rule Stage

**278. COMMON CROP INSURANCE REGULATIONS; PROCESSING TOMATO CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** The purpose of this rule is to amend the Common Crop Insurance Policy: Processing Tomato Crop Insurance Provisions to clarify that producers who have production contracts with tomato brokers are eligible for insurance. Current provisions do not clearly relay this intent. The proposed rule requires a tomato broker to have all licenses and permits required by the state in which it operates, and to have a long term agreement in writing with a processor to purchase and deliver processing tomatoes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64570
NPRM Comment Period End	01/13/04	
Final Action	05/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133 Phone: 816 926-7743**RIN:** 0563-AB90**279. COMMON CROP INSURANCE REGULATIONS; PECAN REVENUE CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** The purpose of this proposed rule is to solicit public comments on FCIC's proposed action to convert the pecan revenue pilot crop insurance program to a permanent insurance program for the 2004 and succeeding crop years. The pilot was initiated for the 1998 crop year for selected counties in Georgia, New Mexico, and Texas and covered only the improved pecan varieties. On September 19, 2002, FCIC's Board of Directors voted to expand the pilot pecan program into 79 additional counties in Georgia for

the 2003 crop year and to convert the program to a permanent program effective for the 2004 crop year. As a result of the pilot review, several changes were made to the policy as follows: Changed the cancellation and termination dates, end of insurance date, and sales closing date to better meet the needs of the pecan producer; removed language that prohibited insurance to be provided by written agreement only for counties where the pecan actuarial documents have been filed; and removed language that is a duplication of the Basic Provisions language.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133 Phone: 816 926-7743**RIN:** 0563-AB91**Department of Agriculture (USDA)  
Federal Crop Insurance Corporation (FCIC)****Final Rule Stage****280. 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.

## USDA—FCIC

## Final Rule Stage

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/17/97	62 FR 48798
ANPRM Comment Period End	10/17/97	
NPRM	09/02/98	63 FR 46703
NPRM Comment Period End	10/19/98	
Final Action	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB66

### 281. 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 Action	05/00/04	

**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

### 282. 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	07/30/03	68 FR 44668
NPRM Comment Period End	09/29/03	
Final Action	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB76

### 283. CATASTROPHIC RISK PROTECTION ENDORSEMENT; GROUP RISK PLAN OF INSURANCE REGULATIONS; BASIC PROVISIONS

**Priority:** Other 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, Final.

**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 Action	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB81

### 284. 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

## USDA—FCIC

## Final Rule Stage

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	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB84

**285. COMMON CROP INSURANCE REGULATIONS**

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457.101; 7 CFR 457.161

**Legal Deadline:** None

**Abstract:** The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Small Grains Crop Provisions (7 CFR section 457.101), and Canola and Rapeseed Crop Insurance Provisions (7 CFR section 457.161) to implement the quality loss adjustment procedures contained in section 10003 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	06/26/02	
Interim Final Rule	06/28/02	67 FR 43525
Interim Final Rule Comment Period End	08/27/02	
Final Action	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB87

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

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to amend policies for the crops listed

above, to implement the quality loss adjustment procedures contained in section 10003 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) that allows quality determinations to be made by warehouse operators that are licensed under State law or are not licensed under State law but are in compliance with State law regarding warehouses, provided they have entered into a storage agreement with the Commodity Credit Corporation. The sunflower and coarse grain crop provisions currently provide for the samples to be analyzed by a grader licensed to grade the crop under the authority of the United States Grain Standards Act or the United States Warehouse Act, and the safflower, dry pea, rice, and dry bean crop provisions currently provide for the samples to be analyzed by a grader licensed to grade the crop under the authority of the Agricultural Marketing Act or the United States Warehouse Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	08/28/02	67 FR 55689
Interim Final Rule	08/30/02	67 FR 55689
Interim Final Rule Comment Period End	10/29/02	
Final Action	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB89

**Department of Agriculture (USDA)**  
**Federal Crop Insurance Corporation (FCIC)**
**Completed Actions**
**287. COMMON CROP INSURANCE REGULATIONS; SMALL GRAINS CROP INSURANCE PROVISIONS AND WHEAT WINTER COVERAGE ENDORSEMENT**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Action Effective	06/04/03	68 FR 34261
Final Action	06/09/03	68 FR 34261

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB63

**288. COMMON CROP INSURANCE REGULATIONS; BASIC PROVISIONS AND GENERAL ADMINISTRATIVE REGULATIONS, SUBPART T, REGULATIONS FOR IMPLEMENTATION**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 400; 7 CFR 457

**Completed:**

Reason	Date	FR Cite
Final Action	06/25/03	68 FR 37697

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy Hoffmann  
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**RIN:** 0563-AB85

**BILLING CODE** 3410-EN-S

**Department of Agriculture (USDA)**  
**Grain Inspection, Packers and Stockyards Administration (GIPSA)**
**Proposed Rule Stage**
**289. LIVESTOCK PURCHASE OR SALE: PROHIBIT NONREPORTING 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	12/00/03	

**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  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA65

**290. 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	12/00/03	

**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-AA77

**291. 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	12/00/03	

**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

**292. ● PROCESS VERIFICATION SERVICE AND ASSOCIATED FEES**

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

**Legal Authority:** 7 USC 1621

**CFR Citation:** 7 CFR 868.31

## USDA—GIPSA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** GIPSA is proposing to establish a process verification service for grain, rice, pulses and processed commodities derived there from, and associated user fees under the authority of the AMA of 1946. This service is being proposed to provide United States Agriculture assistance in facilitating the marketing of grain and similar commodities. GIPSA also proposes to remove regulations which

prohibit crop year, variety, and origin statements because the process verification program could serve as an industry tool for identifying these traits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**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, STOP 3604, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0580-AA85

## Department of Agriculture (USDA)

## Final Rule Stage

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

**293. 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	12/00/03	

**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-AA57

**294. 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 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	08/21/02	67 FR 54136
NPRM Comment Period End	10/21/02	
Final Action	12/00/03	

**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

**295. • FEES FOR PROCESSED COMMODITY ANALYTICAL SERVICES**

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

**Legal Authority:** 7 USC 1621 et seq

**CFR Citation:** 7 CFR 868.90

**Legal Deadline:** None

**Abstract:** The Grain Inspection, Packers and Stockyards Administration is proposing to increase fees for the analytical testing of processed commodities and remove certain tests from the fee schedule for services that are no longer requested. These tests apply only to official processed commodity testing services performed under the Agricultural Marketing Act of 1946. These changes are needed to generate revenue sufficient to cover, as nearly as practicable, rising fixed costs and the 4.1 percent January 2003 Federal pay increase.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/03	68 FR 42644
NPRM Comment Period End	09/16/03	
Final Action	12/00/03	

**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

## USDA—GIPSA

Final Rule Stage

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RIN: 0580-AA84

## Department of Agriculture (USDA)

Completed Actions

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

**296. SWINE PACKER MARKETING CONTRACTS**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 206

**Completed:**

Reason	Date	FR Cite
Final Action	08/11/03	68 FR 47802

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

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RIN: 0580-AA71

**297. EXCEPTIONS TO GEOGRAPHIC AREAS FOR OFFICIAL AGENCIES UNDER THE USGSA**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 800.81; 7 CFR 800.99; 7 CFR 800.116 to 800.118; 7 CFR 800.185; 7 CFR 800.196

**Completed:**

Reason	Date	FR Cite
Final Action	04/18/03	68 FR 19137

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler

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RIN: 0580-AA76

**298. FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 800.71

**Completed:**

Reason	Date	FR Cite
Final Action	06/02/03	68 FR 32623

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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RIN: 0580-AA81

**299. FEES FOR RICE INSPECTION SERVICES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 868.91

**Completed:**

Reason	Date	FR Cite
Final Action	05/09/03	68 FR 24859

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** H. Tess Butler

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RIN: 0580-AA82

BILLING CODE 3410-30-S

## Department of Agriculture (USDA)

Prerule Stage

## Food and Nutrition Service (FNS)

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

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

RIN: 0584-AD39

**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)**
**Proposed Rule Stage**
**301. DISQUALIFIED RECIPIENT REPORTING AND COMPUTER MATCHING REQUIREMENTS THAT AFFECT THE FOOD STAMP PROGRAM**

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

**Legal Authority:** 5 USC 552(a) Computer Matching and Privacy Protection Act; 7 USC 2015(b) Food Stamp Act

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	
Final Action	06/00/05	
Final Action Effective	09/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

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

**RIN:** 0584-AB51

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

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

**RIN:** 0584-AC84

**303. 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, Final.

**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	06/00/04	
NPRM Comment Period End	08/00/04	
Final Action	02/00/05	
Final Action Effective	07/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302  
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**RIN:** 0584-AC86

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This proposed rule would amend FDPIR regulations by: 1) Bringing the maximum level of allowable resources in line with the Food Stamp Program by: a) Establishing

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period Ends	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302  
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**RIN:** 0584-AD12

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

**Priority:** Other Significant

**Legal Authority:** PL 106-224, sec 243(i)

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** This proposed rule would revise the Child and Adult Care Food Program (CACFP) regulations to allow reimbursement of suppers provided by at-risk afterschool care programs in seven States. Six States were initially authorized by the Agricultural Risk Protection Act (Pub. L. 106-224); the seventh State was authorized by fiscal year 2002 appropriation legislation. At-risk suppers in these States (Delaware, Illinois, Pennsylvania, Michigan, Missouri, New York, and Oregon) are reimbursed under the same conditions



## USDA—FNS

## Proposed Rule Stage

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	08/00/04	
NPRM Comment Period End	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302  
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**RIN:** 0584–AD15

**306. 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	05/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302  
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**RIN:** 0584–AD18

**307. FOOD STAMP PROGRAM: SIMPLIFICATION AND STATE FLEXIBILITY**

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

**RIN:** 0584–AD22

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment Period End	06/00/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**309. FSP: HIGH PERFORMANCE BONUSES**

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

**RIN:** 0584–AD29

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

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

**RIN:** 0584–AD30

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

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

**RIN:** 0584–AD32

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

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

**RIN:** 0584–AD35

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This proposed rule amends the WIC regulations to clarify issues that have arisen subsequent to the

## USDA—FNS

## Proposed Rule Stage

publication of the WIC Food Delivery Systems final rule. It includes the following provisions: Allows the release of vendor information such as telephone numbers, e-mail/website addresses, store type, and whether the vendor has been disqualified; requires State agencies to document the number of cans of infant formula purchased by participants; prohibits provision of incentive items solely to WIC participants; protects State agencies against loss of revenue due to vendor nonselection; and provides for an abbreviated administrative review when a State agency issues a civil money penalty in lieu of a reciprocal WIC disqualification. The rule also increases the maximum fine for theft or fraud from \$10,000 to \$25,000, in accordance with Public Law 105–336. (02–013)

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	03/00/04	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No

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

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

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**RIN:** 0584–AD36

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

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

**RIN:** 0584–AD37

**315. NATIONAL SCHOOL LUNCH PROGRAM (NSLP) ALLOWABLE COSTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1752

**CFR Citation:** 7 CFR 210

**Legal Deadline:** None

**Abstract:** Update NSLP regulations 7 CFR 210 regarding the use of federal funds for the provision of meals for school children under the NSLP. This rule will prohibit school food authorities (SFA) from using funds in the non-profit school food service account for expenditures made under any cost reimbursable provision of a contract that permits the contractor to receive payments in excess of the contractor's actual net allowable costs. The expected result is that regulatory language will ensure optimum utilization of funds in the non-profit school food service account. (03–001)

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

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

**316. • CHILD NUTRITION PROGRAMS: NATIONAL SCHOOL LUNCH PROGRAM: SERVING FRUITS AND VEGETABLES AS AFTERSCHOOL SNACKS**

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

**Legal Authority:** Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.)

**CFR Citation:** 7 CFR 210.10

**Legal Deadline:** None

**Abstract:** This proposed rule would require that a fresh vegetable or a fresh/dried fruit be one of the components served in the afterschool snack service under the National School Lunch Program and that it be served at least three times per 5-day week. The U.S. Department of Agriculture is establishing this requirement to promote the health of the Nation's school children by encouraging them to consume more fruits and vegetables. (03–003)

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 0584–AD40

**317. • WIC FARMERS' MARKET NUTRITION PROGRAM (FMNP): FUNDING FORMULA RULE**

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

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 248

**Legal Deadline:** None

**Abstract:** The FMNP is a fixed grant program with limited funds. Funding increases are not guaranteed from year to year. Section 17(m) of the Child Nutrition Act of 1966, as amended, sets forth broad funding requirements for the FMNP. By law, after base grants are provided to current State agencies, i.e., total Federal funds received in the prior fiscal year, the remaining funds are divided so that 75 percent is provided for expansion funds for current State agencies and 25 percent is provided for new State agencies. Currently, beyond the division of funds noted above, there are no requirements for how to allocate funds for expansion and new State agencies when funds requested exceed the amount of available funds. This proposed regulation would amend 7 CFR Part 248 to set forth a funding formula in cases where FMNP funds requested exceed available funds to allocate. The proposed methodology would provide a base funding level for each State agency. Funding above the base level would be based on the individual State agency's need relative to all other State agencies' needs. (03–004)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

## USDA—FNS

## Proposed Rule Stage

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition

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**RIN:** 0584-AD41**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)**

## Final Rule Stage

**318. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): MISCELLANEOUS PROVISIONS****Priority:** Other Significant**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** None

**Abstract:** This final rule amends certain provisions of the WIC program regulations in response to issues raised by WIC State agencies and incorporates longstanding program policies into regulations, with the intention to strengthen services to WIC participants, improve Program administration, and increase State agency flexibility in managing the Program. It also takes into consideration comments received on the proposed rule, which was published on December 12, 2002 (67 FR 71774). (89-515)

**Timetable:**

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

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

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**RIN:** 0584-AB10**319. CHILD AND ADULT CARE FOOD PROGRAM: IMPROVING MANAGEMENT AND PROGRAM INTEGRITY****Regulatory Plan:** This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.**RIN:** 0584-AC24**320. 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	01/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302

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**RIN:** 0584-AC37**321. NATIONAL SCHOOL LUNCH PROGRAM: REIMBURSEMENT FOR SNACKS IN AFTERSCHOOL CARE PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 105-336**CFR Citation:** 7 CFR 210; 7 CFR 235; 7 CFR 245**Legal Deadline:** None

**Abstract:** The William F. Goodling Child Nutrition Reauthorization Act of 1998 amended the Richard B. Russell National School Lunch Act to authorize reimbursement for snacks served under the NSLP in afterschool care programs operated by schools. The afterschool program must be organized primarily to provide care for children and have an educational or enrichment purpose. Additionally, the statute mandates free snacks for all children enrolled in afterschool care programs operated by schools in areas served by a school in which at least 50 percent of the enrolled children are certified for free or reduced price meals. (98-007)

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/00	65 FR 60502
NPRM Comment Period End	01/09/01	
Final Action	07/00/04	

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

## Final Rule Stage

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 RIN: 0584-AC72

**322. 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	11/27/02	67 FR 70861
NPRM Comment Period End	01/27/03	
Final Action	09/00/04	
Final Action Effective	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

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RIN: 0584-AC75

**323. 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, 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' option to disclose children's eligibility information and to provide some protection against unauthorized disclosures and misuse of personal information, regardless of whether the disclosure is to Medicaid or SCHIP or to an education or other program. (00-004)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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RIN: 0584-AC95

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

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

RIN: 0584-AD13

**325. 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
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

## USDA—FNS

## Final Rule Stage

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**RIN:** 0584-AD16

### 326. PRIVACY ACT: REVISION OF AN EXISTING SYSTEM OF RECORDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2011 to 2036; PL 100-103

**CFR Citation:** 7 CFR 273

**Legal Deadline:** None

**Abstract:** This is a revision to the existing system of records entitled "Claims Against Food Stamp Recipients—USDA/FNS-3." The revision is being made to comply with the requirements of Treasury Offset Program. This notice announces that FNS will now share data with private sources for the purpose of obtaining addresses to locate individuals who may owe delinquent food stamp recipient claims and employment information for administrative wage garnishment. (02-002)

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 918, Alexandria, VA 22302  
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**RIN:** 0584-AD24

### 327. AFTERSCHOOL SNACKS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM

**Priority:** Other Significant

**Legal Authority:** PL 105-336

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** The William F. Goodling Child Nutrition Reauthorization Act of 1998 amended the Richard B. Russell National School Lunch Act to authorize reimbursement for snacks served under CACFP in afterschool care programs operated by at-risk centers. The afterschool program must be organized primarily to provide care for children and have an educational or enrichment purpose. All snacks are served free to participants because at-risk centers are located in eligible areas (that is, areas served by a school in which at least 50 percent of the enrolled children are certified for free or reduced price meals). (02-004)

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/00	65 FR 60502
NPRM Comment Period End	01/09/01	
Final Action	07/00/04	
Final Action Effective	08/00/04	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD27

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** Other, Statutory, May 13, 2002, Other.  
Other, Statutory, October 1, 2002, Other.

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

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/03	68 FR 23927
NPRM Comment Period End	07/07/03	
Final Action	03/00/04	

**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 918, Alexandria, VA 22302  
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**RIN:** 0584-AD28

### 329. FSP: NON-DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171

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

**RIN:** 0584-AD31

**Department of Agriculture (USDA)**  
**Food and Nutrition Service (FNS)**
**Long-Term Actions**
**330. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY**
**Priority:** Other Significant

**CFR Citation:** 7 CFR 226

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/27/02	67 FR 43448

Action	Date	FR Cite
Interim Final Rule Effective	07/29/02	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

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

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**RIN:** 0584-AC94

**Department of Agriculture (USDA)**  
**Food and Nutrition Service (FNS)**
**Completed Actions**
**331. WIC: REQUIREMENTS FOR AND EVALUATION OF WIC PROGRAM REQUESTS FOR BIDS FOR INFANT FORMULA REBATE CONTRACTS**
**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 7 CFR 246

**Completed:**

Reason	Date	FR Cite
Withdrawn—Reevaluating current provisions	11/18/03	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AB52

**333. IMPROVING ACCESS TO THE FOOD STAMP PROGRAM FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**
**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Withdrawn No activity anticipated	08/15/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AD06

**335. FOOD STAMP PROGRAM: ADMINISTRATIVE REVIEW REQUIREMENTS—FOOD RETAILERS/WHOLESALERS**
**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	07/10/03	68 FR 41051
Final Action Effective	09/08/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sharon Ackerman  
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**RIN:** 0584-AD23

**332. FSP: ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEMS INTEROPERABILITY AND PORTABILITY**
**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Action	06/25/03	68 FR 37693
Final Action Effective	07/25/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0584-AC91

**334. DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS IN SCHOOLS—VERIFICATION REPORTING AND RECORDKEEPING REQUIREMENTS**
**Priority:** Other Significant

**CFR Citation:** 7 CFR 245

**Completed:**

Reason	Date	FR Cite
Final Action	09/11/03	68 FR 53483
Final Action Effective	10/14/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD20

**336. COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP)—ALLOCATION OF ADMINISTRATIVE FUNDS**
**Priority:** Other Significant

**CFR Citation:** 7 CFR 247.10

**Completed:**

Reason	Date	FR Cite
Final Action	08/28/03	68 FR 51675

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 0584-AD33

**BILLING CODE 3410-DM-S**

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

Prerule Stage

**337. NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS**

**Priority:** Other Significant

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

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

**Legal Deadline:** Other, Statutory, June 2004, Other.

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

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

Promulgation Purpose and Legal Basis: Sections 1(n) of the Federal Meat Inspection Act (FMIA), and 4(h) of the Poultry Products Inspection Act (PPIA) establish the Secretary of Agriculture's

statutory responsibility for ensuring that meat and meat food products, prepared and intended to be distributed in commerce, are not adulterated, misbranded, or improperly marked, labeled, and packaged (21 U.S.C. 601(n)(1); 21 U.S.C. 453(4)(h)).

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

FSIS' final rule entitled, "Nutrition Labeling of Meat and Poultry Products," will be reviewed under the Regulatory Flexibility Act's section 610 provisions within the succeeding 12

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

**Timetable:**

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

**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, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 205-0279

**RIN:** 0583-AC95

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

Proposed Rule Stage

**338. PERFORMANCE STANDARDS FOR BACON**

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

**RIN:** 0583-AC49

**339. EGG AND EGG PRODUCTS INSPECTION REGULATIONS**

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

**RIN:** 0583-AC58

**340. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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**RIN:** 0583-AC59

## USDA—FSIS

## Proposed Rule Stage

**341. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**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, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC72**342. 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 a standard at pre-chill, in addition to pre-chill standards for generic E. coli and Salmonella already prescribed.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75187
NPRM Comment	04/02/01	
Period End		
Second NPRM	08/00/04	

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

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**RIN:** 0583-AC73**343. PETITIONS FOR RULEMAKING****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553**CFR Citation:** 9 CFR 392**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	

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

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**RIN:** 0583-AC81**344. 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	12/00/03	

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

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**RIN:** 0583-AC83



## USDA—FSIS

## Proposed Rule Stage

**345. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY**

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

**RIN:** 0583-AC87

**346. EMERGENCY REGULATIONS TO PREVENT MEAT FOOD AND MEAT PRODUCTS THAT MAY CONTAIN THE BSE AGENT FROM ENTERING COMMERCE**

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

**RIN:** 0583-AC88

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 601 to 695

**CFR Citation:** 9 CFR 327

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Executive Associate, Office of Policy & Program Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC91

**348. • MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND MEAT RECOVERY SYSTEMS**

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

**RIN:** 0583-AD00

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

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Executive Associate, Office of Policy & Program Development, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD01

**Department of Agriculture (USDA)  
Food Safety and Inspection Service (FSIS)****Final Rule Stage****350. 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.

## USDA—FSIS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/97	62 FR 46450
NPRM Comment Period End	11/03/97	
Final Action	06/00/04	

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

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**RIN:** 0583-AC09**351. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS**

**Regulatory Plan:** This entry is Seq. No. 26 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC46**352. NUTRITION LABELING OF GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS AND SINGLE-INGREDIENT PRODUCTS**

**Regulatory Plan:** This entry is Seq. No. 27 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC60**353. 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	12/00/03	

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

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**RIN:** 0583-AC78**354. ● PROHIBITION ON THE USE OF AIR-INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE**

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

**Legal Authority:** Federal Meat Inspection Act; . . .

**CFR Citation:** 9 CFR 313**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to prohibit the use of penetrative captive bolt stunning devices that deliberately inject air into the cranial

cavity of cattle. This rulemaking responds to the findings of a risk assessment on bovine spongiform encephalopathy (BSE) conducted by the Harvard Center for Risk Analysis (referred to as the Harvard study) and is part of a series of actions that the USDA is taking to strengthen its BSE prevention programs.

BSE has never been detected in the United States (U.S.) despite active surveillance for the disease by the USDA since May 1990. Furthermore, the Harvard study found that, owing to already ongoing Federal programs, the U.S. is highly resistant to the introduction and spread of the disease. Even so, the USDA response to BSE has always been proactive and preventive. Therefore, FSIS is taking this action to address the potential risk posed by stunning devices that may force visible pieces of brain, known as macro-emboli, into the circulatory system of stunned cattle.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/04	

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

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**RIN:** 0583-AD03

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

**Long-Term Actions**

**355. 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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/95	60 FR 67474
NPRM Comment Period End	02/27/96	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Post  
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**RIN:** 0583-AC82

**356. • ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY**

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

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

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

**Legal Deadline:** None

**Abstract:** FSIS is proposing to reform the regulations governing ante-mortem and post-mortem inspection of livestock and poultry. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today (e.g., splitting of sterna, prohibition of inflating carcasses). Others are duplicative regulations (e.g., those dealing with bruises and contamination) applying separately to meat and to poultry that could be combined into single regulations applying to both meat and poultry.

Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. This proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

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

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

This proposal would focus on the performance standards that establishments should meet through operation of their HACCP systems for

slaughtering and dressing operations. It would remove impediments to the development and operation of HACCP plans by making the current regulations compatible with the HACCP approach to food safety.

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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**RIN:** 0583-AD02

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Completed Actions**
**357. 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

**Completed:**

Reason	Date	FR Cite
Withdrawn because the Agency has published guidelines on these matters	08/11/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC05

**358. ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY**

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

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

**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** State

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**RIN:** 0583-AC43

**359. REQUIREMENTS FOR  
DISPOSITION AND DISPOSAL OF  
INSPECTED RAW MEAT AND  
POULTRY PRODUCTS**

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

**CFR Citation:** 9 CFR 311; 9 CFR 314; 9 CFR 320; 9 CFR 325; 9 CFR 381; 9 CFR 428; 9 CFR 455

**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** State

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**RIN:** 0583-AC44

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1(b)(10)

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/12/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC51

**361. REWORKING OF MEAT AND  
POULTRY CARCASSES  
ACCIDENTALLY CONTAMINATED  
DURING EVISCERATION**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 310; 9 CFR 381; 9 CFR 433

**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC53

**362. REFORM OF REGULATIONS ON  
IMPORTED MEAT AND POULTRY  
PRODUCTS**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC56

**363. FOOD LABELING; NUTRIENT  
CONTENT CLAIMS, DEFINITION OF  
THE TERM HEALTHY**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/12/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC65

**364. ELIMINATION OF  
REQUIREMENTS FOR TOTAL  
QUALITY CONTROL SYSTEMS**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

## USDA—FSIS

## Completed Actions

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** State**Agency Contact:** Daniel L. Engeljohn

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RIN: 0583-AC68

**365. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR****Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 318.7; 9 CFR 381.147**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/11/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Robert Post

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RIN: 0583-AC69

**366. POULTRY INSPECTION: REVISION OF FINISHED PRODUCT STANDARDS WITH RESPECT TO INGESTA****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 9 CFR 381**Completed:**

Reason	Date	FR Cite
Despite the merit of this matter, withdrawn because of competing Agency priorities	08/12/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Daniel L. Engeljohn

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RIN: 0583-AC77

**367. ADDITION OF MEXICO TO THE LIST OF COUNTRIES ELIGIBLE FOR THE IMPORTATION OF SLAUGHTERED (FRESH) POULTRY AND EGG PRODUCTS INTO THE UNITED STATES****Priority:** Substantive, Nonsignificant**CFR Citation:** 9 CFR 381**Completed:**

Reason	Date	FR Cite
Withdrawn	08/12/03	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Daniel L. Engeljohn

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RIN: 0583-AC92

**368. STANDARDS AND LABELING REQUIREMENTS FOR MECHANICALLY SEPARATED SPECIES AND PRODUCTS IN WHICH IT IS USED****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610(c)**CFR Citation:** 9 CFR 317.2(j)(13)(ii); 9 CFR 318.18; 9 CFR 319.5**Legal Deadline:** Other, Statutory, May 2003, Other.

Provisions of the RFA mandate that this review conclude within 12 months after the initial announcement.

**Abstract:** On June 29, 1982, the Department of Agriculture amended the Federal meat inspection regulations with promulgation of the final rule (47 FR 28214) to (1) modify the definition, standard, and permitted uses 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) establishes 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, or 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 group's sessions exploring attitudes towards various types of meat food product labeling, and an analysis of the economic impacts of the 1978 regulations. Based on the original petition's argument, data compiled since 1978, and the Agency's internal review and reevaluation 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 has been reviewed under the Regulatory Flexibility Act's section 610 provisions. The Food Safety and Inspection Service (FSIS) intends to publish the results of its mandatory review in the Federal Register by May 31, 2003.

**Timetable:**

Action	Date	FR Cite
End Review	06/01/03	

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

## USDA—FSIS

## Completed Actions

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**RIN:** 0583-AC93

### 369. CHANGES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 391; 9 CFR 590; 9 CFR 592

**Completed:**

Reason	Date	FR Cite
Final Action	06/26/03	68 FR 37954

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0583-AC94

### 370. ● USE OF ANY SAFE AND SUITABLE BINDER OR ANTIMICROBIAL AGENT IN MEAT AND POULTRY PRODUCTS WITH STANDARDS OF IDENTITY OR COMPOSITION

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

**Legal Authority:** 7 USC 138f; 7 USC 450, 1901 to 1906; 21 USC 451 to 470; 21 USC 601 to 695; 7 CFR 2.17, 2.55; 7 CFR 2.18, 2.53

**CFR Citation:** 9 CFR 319 and 381

**Legal Deadline:** None

**Abstract:** FSIS is amending its regulations to permit the use of any safe and suitable binder or antimicrobial agent in the production of meat and poultry products that are subject to a standard of identity or composition that provides for the use of such ingredients.

**Timetable:**

Action	Date	FR Cite
Final Action	04/29/03	68 FR 22576

**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, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 205-0279

**RIN:** 0583-AC96

### 371. ● ADDITION OF AUSTRALIA AND NEW ZEALAND TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT RATITES AND RATITE PRODUCTS INTO THE UNITED STATES

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

**Legal Authority:** 7 USC 138f, 450; 21 USC 451 to 470; 7 CFR 2.18, 2.53

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** FSIS will add Australia and New Zealand to the list of countries eligible to import poultry products (ratite only) into the U.S.

**Timetable:**

Action	Date	FR Cite
Final Action	06/23/03	68 FR 37069

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Clark Danford, Acting Director, Import Export Programs Staff, Office of International Affairs, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC97

**BILLING CODE 3410-10-S**

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

## Proposed Rule Stage

### 372. 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 definitions of emerging market and country eligibility, program

objectives and priorities, eligible organizations, qualification requirements, application and review processes, decisions and appeals, reimbursement rules and procedures, reporting requirements, evaluations, and program controls.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of

## USDA—FAS

## Proposed Rule Stage

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RIN: 0551-AA62

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

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 7 CFR 1530

**Legal Deadline:** None

**Abstract:** This regulation governs the importation of world price sugar and its subsequent use as a refined reexport, product ingredient, or input into the production of polyhydric alcohols. The proposed amendments and/or modifications are principally aimed at reorganizing and simplifying the complexity of the current Regulation; clarifying certain definitions, including the coverage of beet and cane sugar, extending the scope of the Regulation to specially include toll operations which was inadvertently omitted; establishing a reexport program for raw sugar; and implementing Mexico-NAFTA legal commitments. The proposed action will provide for increased operational efficiencies and promote the Government's objectives regarding regulatory simplification.

#### Timetable:

Action	Date	FR Cite
ANPRM	05/01/03	68 FR 23230
ANPRM Comment Period End	06/02/03	
NPRM	02/00/04	
NPRM Comment Period End	04/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0551-AA65

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

## Long-Term Actions

### 374. 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

### 375. 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

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Completed Actions**
**376. PROGRAM TO ASSIST U.S. PRODUCERS IN DEVELOPING DOMESTIC MARKETS FOR VALUE-ADDED WHEAT GLUTEN AND WHEAT STARCH PRODUCTS**
**Priority:** Other Significant**CFR Citation:** 7 CFR 1482**Completed:**

Reason	Date	FR Cite
Withdrawn	05/07/03	

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

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**RIN:** 0551-AA60
**377. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS**
**Priority:** Other Significant**CFR Citation:** 7 CFR 1487**Completed:**

Reason	Date	FR Cite
Final Action	07/18/03	68 FR 42563

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

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**RIN:** 0551-AA63
**378. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM**
**Priority:** Other Significant**CFR Citation:** 7 CFR 1499**Completed:**

Reason	Date	FR Cite
Final Action	06/20/03	68 FR 36885

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kimberly Chisley

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**RIN:** 0551-AA64
**379. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS (TAA)**
**Priority:** Other Significant**CFR Citation:** 7 CFR 1580**Completed:**

Reason	Date	FR Cite
NPRM	04/23/03	68 FR 20062
Final Action	08/20/03	68 FR 50048

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

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**RIN:** 0551-AA66
**380. • CLARIFICATION OF CERTAIN PROVISIONS CONTAINED IN THE EXPORT SALES REPORTING REQUIREMENTS**
**Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

**Legal Authority:** PL 101-624; PL 96-72**CFR Citation:** 7 CFR 20**Legal Deadline:** None

**Abstract:** This final rule amends the Export Sales Reporting requirements Regulation to clarify certain definitions and terms of reporting as they relate to the list of commodities subject to this regulation to ensure the accuracy of U.S. Export Sales and incorporate new technologies. Under this final rule, exporters are still required to report on a weekly basis information concerning the quantity, country of destination, and marketing period of shipment for their export sales. Information collected is aggregated and included in the weekly "U.S. Export Sales" report published by the Foreign Agricultural Service (FAS). In addition, the rule responds to comments on electronic reporting. Electronic submission, including the use of ASCII comma delimited files, for all reportable commodities is another option given to program participants. (Reference, Federal Register, Vol. 66, No. 197, October 11, 2001, "Electronic Submission of Export Sales Reporting Requirements.")

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/03/03	68 FR 62214

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

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**RIN:** 0551-AA67**BILLING CODE** 3410-11-S
**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Proposed Rule Stage**
**381. 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



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## Proposed Rule Stage

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AA47

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

**Priority:** Other Significant

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

**CFR Citation:** 36 CFR 254

**Legal Deadline:** None

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

a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations. This proposed rule clarifies the role of the Forest Service in the allotment process. It preserves the rights of affected individual American Indians who wish to apply for allotments on NFS lands. An earlier version of this proposed rule was published in the Federal Register on June 22, 1987 (52 FR 23473). Very few comments were received on the 1987 proposed rule, and this revision of the proposed rule makes only limited changes needed to update the rule due to the passage of 15 years since publication of the first version of the proposed rule. Because of the amount of time that has elapsed since the earlier version of the proposed rule was published, the agency believes that it is in the public interest to publish a revised proposed rule and request comment prior to adopting a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Second NPRM Comment Period End	02/00/04	
Second NPRM	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AA52

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 521(c) to 521(i)

**CFR Citation:** 36 CFR 254

**Legal Deadline:** None

**Abstract:** This proposed rule would reorganize the current rule for conveyance of small tracts at 36 CFR part 254 into more logical subject matter groupings, make editorial

changes to clarify requirements, and add new provisions to facilitate the processing of applications for persons seeking a conveyance of small tracts.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AA79

**384. 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.

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**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

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

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**RIN:** 0596-AB27

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472; 16 USC 551**CFR Citation:** 36 CFR 251; 36 CFR 214**Legal Deadline:** None

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

scheduling oral presentations; clarifying that decisions to deny permits for noncommercial group use are not subject to appeal, but rather are immediately subject to judicial review; and making changes to conform terminology and definitions with 36 CFR part 215.

**Timetable:**

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

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: ORMS, D&R, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0596-AB45

### 386. LAW ENFORCEMENT SUPPORT ACTIVITIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1011(f); 16 USC 472; 16 USC 551; 16 USC 559(a) to 559(g); 40 USC 484(m)**CFR Citation:** 36 CFR 262**Legal Deadline:** None

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

The Forest Service is proceeding with publication of a second proposed rule for part 262, Law Enforcement Support Activities. The proposed revisions to part 262 are narrow in scope and are meant to clarify specific administrative provisions. In particular, they address the limitations and conditions for paying rewards in connection to fire or property prosecution; clarify the rules regarding the purchase of information or evidence in furtherance of investigations; and clarify certain actions and regulations regarding the impoundment, removal, and

disposition of animals and personal property from National Forest System lands. The proposed rule also responds to comments concerning part 262 that were received in response to the proposed rule published in 1994. The majority of those comments referred to how the rule defines certain terms; to address those comments in this second proposed rule, the agency proposes to add a new section for definitions.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	11/00/03	
Second NPRM Comment Period End	01/00/04	

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

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**RIN:** 0596-AB61

### 387. NONCOMPETITIVE SALE OF TIMBER; TIMBER SUBSTITUTION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472(a)**CFR Citation:** 36 CFR 223.85**Legal Deadline:** None

**Abstract:** This proposed rule would revise 36 CFR 223.85 by removing references to section 2001(k) of Public Law 104-19 (109 Stat. 246) and defining the conditions under which forest officers, without advertisement, could make modifications to existing timber sale contracts and forest product sales contracts, 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. Forest Service officials would be authorized to propose timber sale

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modifications and to enter into discussions with purchasers on such modifications. However, timber purchasers would not be compelled to accept any modifications offered under this rule.

To the extent that timber sale cancellations and partial cancellations are avoided, the effect of this proposed rule would be to reduce future damage claims on timber sales.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB70

### 388. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 620

**CFR Citation:** 36 CFR 223; 36 CFR 261

**Legal Deadline:** None

**Abstract:** This proposed rule for timber export and substitution restrictions would implement the provisions of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended. The proposed rule defines the certain terms necessary to facilitate uniform compliance; prohibits transfer of unprocessed private timber for export by a person who possesses or acquires unprocessed Federal timber; prohibits export of such unprocessed private timber by a third or successive party; prescribes procedures for reporting the acquisition and disposition of National Forest System (NFS) and private timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed NFS and private timber requiring domestic

processing; and establishes procedures for assessing civil and criminal penalties and applying administrative remedies for violations of the Act, its implementing regulations, and contracts subject to the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment	02/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0596-AB75

### 389. LAND USES; PROHIBITIONS; PALEONTOLOGICAL RESOURCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551; 18 USC 641

**CFR Citation:** 36 CFR 251.51; 36 CFR 251.53; 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 special use permits for collecting vertebrate paleontological resources are authorized under the Act of 1897. Noncommercial vertebrate fossil collecting by academic and other similar institutions would be added as an activity that requires a special use authorization. The commercial collection of paleontological resources would not be authorized on National Forest System Lands. Second, this proposed rule would revise the definition for "paleontological resource" at 36 CFR 261.2 to make it scientifically correct and to make clear that mineral resources are excluded from the definition. The revised definition for "paleontological resource" would be added to 36 CFR

251.51. Third, the prohibitions related to paleontology at 36 CFR 261.9 would be revised to reflect the changes at 36 CFR part 251. Other conforming amendments to 36 CFR parts 251 and 261 will be made to accommodate the changes identified in this abstract. 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	01/00/04	
NPRM Comment	03/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB91

### 390. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES

**Priority:** Other Significant

**Legal Authority:** 49 USC 4151; 29 USC 794; 7 CFR 15e

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR 15e require that new or reconstructed facilities be accessible. The Forest Service Trails Accessibility Guidelines in this proposed policy amending Forest Service Manual (FSM) 2350, Trail, River, and Similar Recreation Opportunities, would establish clear agency guidelines to provide the highest level of accessibility to pedestrian/hiker trails for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. The proposed

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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	02/00/04	
NPRM Comment Period End	04/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB92

**391. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 4151; 29 USC 794; 7 CFR 15e

**CFR Citation:** None

**Legal Deadline:** None

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

Passport eligibility and documentation utilized by all Federal agencies under the 1980 amendment to the Land and Water Conservation Fund Act. Comments will be considered in development of the final guidelines.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB93

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 36 CFR 219

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Agency is proposing to issue an interim directive (ID) to Forest Service Manual chapter 1920, Land and Resource Management Planning to provide Agency-wide guidance on objections filed against land and resource management plan decisions. The pre-decisional objection process is authorized in the National Forest System Land and Resource Management Planning rule at 36 CFR 219.32 (65 FR 65714, November 9, 2000). The 2000 Planning Rule is currently being revised to address concerns raised regarding the Agency's ability to implement some portions of the rule's provisions. Nevertheless, this objection process is a viable tool for field units to use to attempt to resolve issue(s) prior to making a final Agency decision on land and resource management plans. Therefore, it is prudent to provide interim direction on the objection process in order to ensure Agency-wide consistency in its

implementation. Upon issuance of this ID, notice will be given in the Federal Register with a request for public comment. Comments will be reviewed and considered in developing the final policy on the objection process.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB97

**393. LOCATABLE MINERALS**

**Priority:** Other Significant

**Legal Authority:** 30 USC 21 to 54; 30 USC 612

**CFR Citation:** 36 CFR 228, subpart A

**Legal Deadline:** None

**Abstract:** This revision follows recommended changes developed by GAO and OIG audits and recommendations in the National Research Council's 1999 report titled "Hardrock Mining on Federal Lands." The proposed rule would improve the administration of the locatable minerals program. The proposed rule's objectives are to improve the process for modifying, suspending, and terminating plans of operation; improve the process of reviewing and adjusting reclamation bonds to cover the full cost of reclamation; improve the process of managing temporary closures; define proper occupancy and use; and improve noncompliance and enforcement actions. This proposed rule revision will increase the efficiency of locatable minerals administration and protect the public from funding mine reclamation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	

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

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

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**RIN:** 0596-AB98**394. SAWTOOTH NATIONAL RECREATION AREA—PRIVATE LANDS; INCREASING RESIDENTIAL OUTBUILDING SIZE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 92-400**CFR Citation:** 36 CFR 292.16**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM Period End	01/00/04	

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

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**RIN:** 0596-AC00**395. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVES (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL (FSM) 1920 AND FOREST SERVICE HANDBOOK (FSH) 1909.12)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC et seq, 5 USC 301**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to revise its directives issued to the Forest Service Manual (FSM) 1900, Planning, and Forest Service Handbook (FSH) 1909.12, Land and Resource Management Planning Handbook. These directives would provide the detailed direction to agency employees necessary to implement the provisions in the final rule to be adopted at 36 CFR part 219 governing land and resource management planning. The proposed rule was published on December 6, 2002 (67 FR 72770).

**Timetable:**

Action	Date	FR Cite
NPRM NPRM Comment Period End Final Rule	11/00/03 01/00/04 09/00/04	

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

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**RIN:** 0596-AC02**396. • SPECIAL AREAS; ROADLESS AREA CONSERVATION; APPLICABILITY TO NATIONAL FOREST SYSTEM LANDS IN ALASKA****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 472; 16 USC 551; 16 USC 1604 ; 42 USC 4321**CFR Citation:** 36 CFR 294**Legal Deadline:** Other, Judicial, August 10, 2003, Other.

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

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

On June 10, 2003, a settlement agreement was signed between the U.S. Department of Justice and the State of Alaska to resolve the suit filed by the

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State of Alaska and other plaintiffs. As required by the settlement agreement, an advance notice of proposed rulemaking (ANPRM) was published on July 15, 2003 (68 FR 41864). This proposed rule is being prepared after evaluation and consideration of public comments received on the advance notice of proposed rulemaking published in July.

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

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/03	68 FR 41864
ANPRM Comment Period End	08/14/03	
ANPRM Comment Period Extended	08/18/03	68 FR 49395
ANPRM Comment Period End	09/02/03	
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

www.roadless.fs.fed.us

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**RIN:** 0596-AC05

**397. ● STATE PETITIONS FOR ROADLESS MANAGEMENT**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 36 CFR 231

**Legal Deadline:** None

**Abstract:** On January 12, 2001, the Forest Service published the Roadless

Area Conservation final rule (the "roadless rule") in the Federal Register establishing prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas at 36 CFR part 294, subpart B (66 FR 3244). Since publication, the roadless rule has been challenged by nine lawsuits filed in six judicial districts and in four Federal circuits. On July 14, 2003, the U.S. District Court for the District of Wyoming issued a permanent injunction order enjoining the Department from implementing the roadless rule. That ruling has been appealed.

Due to the continued legal uncertainty of providing protection for roadless areas through the application of the roadless rule, the agency is proposing a separate procedural rule at 36 CFR part 231 that will set out an administrative process for Governors of States to petition the Secretary of Agriculture to establish or adjust management direction for roadless within their State. Such petitions would be evaluated and, if agreed to, addressed by the Secretary in subsequent rulemaking on a State-by-State basis.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC10

**398. ● USE AND PROHIBITIONS OF MOTOR VEHICLES OFF NATIONAL FOREST SYSTEM ROADS**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 36 CFR 261 and 295

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing an advance notice of proposed rule that would amend 36 CFR part 295 to update language in current usage, coordinate the rule with other Forest Service programs that have been updated or are in the process of being updated to complement those changes, and incorporate current guidance on off-highway vehicle management. The proposed changes would also clarify definitions and direction, and improve consistency in management of off-highway vehicles on National Forest System lands in an effort to blend broad agency policy with local decisionmaking. These changes would ensure that collaborative efforts at the local level are integrated into decisionmaking.

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC11

**399. ● GRAZING PERMIT ADMINISTRATION**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Updated national direction is needed to ensure the agency is both current and consistent in working with

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	

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

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**RIN:** 0596-AC12

**400. • NATIONAL FOREST SYSTEM APPEALS AND LITIGATION**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to revise its directives issued to the Forest Service Manual (FSM) 1570, Appeals and Litigation, to reestablish the Forest Service Handbook (FSH) for appeals filed pursuant to notice, comment, and appeal procedures for National Forest System projects and activities at 36 CFR part 215. These proposed directives would provide additional direction to agency employees necessary to implement the provisions in 36 CFR part 215, adopted on June 4, 2003 (68 FR 33582).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

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

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**RIN:** 0596-AC13

**401. • PROPOSED REVISION OF TIMBER SALE CONTRACTS (FS-2400-6 AND FS-2400-6T)**

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

**Legal Authority:** 36 CFR 223.110-223.117

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to revise timber sale contracts FS-2400-6 for scaled sales procedures and FS-2400-6T for tree measurement timber sale procedures. A notice with request for public comment is being published in the Federal Register to seek public input on the proposed changes to these contracts, which include: (1) Clarifying the

remedies available when contracts are suspended, modified, or terminated for environmental reasons; (2) incorporating special provisions that are required by the National Forest Management Act and Forest Service regulations at 36 CFR part 223; (3) correcting inconsistencies and clarifying ambiguous language in the existing contract provisions; and (4) making organizational and editorial changes intended to eliminate duplicative and unnecessary provisions. These proposed contracts will be available for public review electronically via the Internet, as well as in paper copy at the Forest and Rangeland Staff office. Public comments received will be considered in the preparation of the final revised timber sale contracts.

These timber sale contracts were originally brought into use in the early 1970s. Contract revisions were made to FS-2400-6 in September 1973 and to FS-2400-6T in October of 1973. From that time until July 2001, new legislation and policy changes were incorporated into these contracts by adding new provisions and making existing provisions nonapplicable. There is now a need to reduce the complexity of the contracts, make the above changes part of the standard contracts, and include needed changes that affect the rights and obligations of the Forest Service and purchasers.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

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

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**RIN:** 0596-AC14

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Final Rule Stage**
**402. SALE AND DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS**
**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	12/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB21

**403. LAND USES; SPECIAL USES; RECOVERY OF COSTS FOR PROCESSING SPECIAL USE APPLICATIONS AND MONITORING COMPLIANCE WITH SPECIAL USE AUTHORIZATIONS**
**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 36 CFR 251

**Legal Deadline:** None

**Abstract:** This final rule, as authorized by the Mineral Leasing Act and the Federal Land Policy and Management Act, would provide for recovering costs associated with processing applications for special use authorizations to use and occupy National Forest System (NFS) lands and with monitoring compliance with these special use authorizations. The action is needed to provide timely reviews and evaluations of special use applications; to ensure that forest resources are adequately protected; and to ensure that holders comply with the terms and conditions of their authorization. Promulgation of this rule would comply with requirements of OMB Circular A-27, section 7, which directs that user charges be instituted through promulgation of agency regulations implementing the authority for Federal agencies to recover costs under the Independent Officers Appropriations Act (IOAA). The rule would also respond to recommendations in GAO reports RCED-96-84 (April 1996) and RCED 97-16 (December 1996) that the Forest Service (1) operate its special uses program in a more cost-efficient and businesslike manner and (2) promulgate regulations allowing the Agency to exercise existing authority to recover from applicants and holders the Agency's costs to process special-use applications and monitor compliance with those authorizations. This rule would also make Forest Service procedures and fees related to cost recovery consistent with the Bureau of Land Management's (BLM) rules at 43 CFR parts 2800, 2880, and 2930.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/99	64 FR 66341
NPRM Comment Period Extended	12/29/99	64 FR 72971
NPRM Comment Period End	02/04/00	
NPRM Comment Period Extended	02/25/00	65 FR 10042
NPRM Comment Period End	03/09/00	
Final Action	12/00/03	
Final Action Effective	01/00/04	

**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 were merged into the final rule published November 30, 1998 (63 FR 65950, RIN 0596-AB35). Thus, this rulemaking addresses only the cost-reimbursement provisions.

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**RIN:** 0596-AB36

**404. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; EXTENSION OF TIMBER SALE CONTRACTS TO PERMIT URGENT REMOVAL OF TIMBER FROM OTHER LANDS**
**Priority:** Substantive, Nonsignificant

**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:** The Forest Service is issuing a final rule to provide for extension of National Forest System (NFS) timber sale contracts when such an extension will permit the prompt removal and utilization of non-NFS timber damaged by catastrophic events. This rule defines the responsibilities of the



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parties for requesting and approving such extensions and specify when such extensions should be approved. This rule also allows 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. This rule provides the regulatory foundation for extending existing contracts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/21/02	67 FR 70166
Interim Final Rule Comment Period End	01/21/03	
Final Action	11/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0596-AB48

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321 to 4346

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** In April 1997, the Forest Service completed a reengineering study of its special uses program. One finding in that study was that the Forest Service is conducting extensive National Environmental Policy Act (NEPA) analysis and documentation for the renewal or transfer of ownership of special use authorizations having no significant effect on the human environment, either individually or cumulatively. This level of NEPA compliance is costly, time consuming, and not commensurate with the risk attributed to the activity. Therefore, the Forest Service is adding a new category

of categorical exclusions from NEPA documentation at sections 31.1b and 31.2 of FSH 1909.15, Environmental Policy and Procedures Handbook. This action gives clearer direction regarding the NEPA obligation when issuance of a special use authorization is a purely ministerial action and no changes are proposed in permitted activities or facilities.

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/01	66 FR 48412
NPRM Comment Period End	11/19/01	
Final Action	02/00/04	
Final Action Effective	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB73

#### 406. LAND USES; SPECIAL USES REQUIRING AUTHORIZATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 477 to 482; 16 USC 551; 43 USC 1761 to 1771

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

**Legal Deadline:** None

**Abstract:** In April 1997, the Forest Service completed a reengineering study of its special uses program on how to manage the program in a more businesslike, customer-service-oriented way. The Agency plans to promulgate a final rule at 36 CFR 251.50 that would implement recommendations

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/03	68 FR 2948
NPRM Comment Period End	03/24/03	
Final Action	11/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB74

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**407. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106–113**CFR Citation:** 36 CFR 223**Legal Deadline:** None

**Abstract:** The Forest Service 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, which authorizes a pilot program of charges and fees for harvest of forest botanical products (Appropriations Act H.R. 3423, section 339, Forest Botanical Products). Forest botanical products include products, such as herbs, berries, seeds, and wildflowers that are not wood products. The intended effect of this rule is to give guidance and consistency for the sustainability and sale of special forest products including forest botanical products.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/03	
Interim Final Rule	01/00/04	
Comment Period End		

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

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**RIN:** 0596–AB81**408. DETERMINING FAIR MARKET VALUE FOR RECREATION RESIDENCE USE AUTHORIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497; PL 106–291, title VI**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Appropriations Act for the Department of the Interior and Related Agencies for Fiscal Year 2001 (Pub. L. 106–291) contains provisions in title VI “Cabin User Fee Fairness Act of 2000” to ensure consistent and fair processes for appraising the fee simple value of recreation residence lots on National Forest System (NFS) lands. The Forest Service is adopting final regulations at 36 CFR part 251, subpart B, and final policy in the Forest Service Manual (FSM) 2347 and FSM 2721, and Forest Service Handbook (FSH) 2709.11, section 33, and FSH 5409.12, chapter 6, that would provide the regulatory framework and Agency management direction necessary to implement the provisions of the act. The proposed policies and proposed rule were published on May 13, 2003 (68 FR 25748), with a 60-day comment period ending August 11, 2003. The proposed rule and proposed policy included provisions for establishing a base annual fee and a new appraisal cycle, conducting inventories of recreation residence lots, and setting out appeal and judicial review processes and appraisal guidelines for appraising the fee simple value of recreation residence lots. An estimated 2,500 comments were received, the majority of which were submitted by permit holders or organized associations of permit holders. The comments are being analyzed and will be considered in development of the final rule and policy. There are approximately 15,000 recreation residences nationally on NFS lands. Recreation residence permit holders and their immediate families and friends are particularly interested in the outcome of this rule and policymaking, as well as a few specific members of Congress. A cursory review of the comments received suggests that most of the substantive concerns either can be accommodated with minor changes in the draft policy revisions and rulemaking or, alternatively, can be addressed in the preamble to the final rulemaking and policymaking documents. The general nature of the comments do suggest the need for major, substantive changes to the draft of the proposed rule and policy, as published on May 13, 2003.

**Timetable:**

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

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

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

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**RIN:** 0596–AB83**409. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING****Regulatory Plan:** This entry is Seq. No. 28 in part II of this issue of the **Federal Register**.**RIN:** 0596–AB86**410. REVISIONS TO ROAD MANAGEMENT POLICY (FOREST SERVICE MANUAL CHAPTER 7710)****Priority:** Other Significant**Legal Authority:** 16 USC 551; 23 USC 205**CFR Citation:** 36 CFR 212**Legal Deadline:** None

**Abstract:** On January 12, 2001 (66 FR 3205), the Forest Service adopted a new road management policy to improve the analysis and decisionmaking of the National Forest System road system. As part of a Governmentwide review of recently adopted rules and policies announced January 20, 2001, the Chief conducted an internal review of the new road management policy. As a consequence, the Agency identified several changes to be made to Forest Service Manual (FSM) chapter 7710. The first of these was to issue an interim directive (ID No. 7710–2001–1) to redelegate the authority for extending deadlines for completion of forest-scale analysis from the Chief to the Regional Foresters. Additionally, the ID granted all units an additional year to complete road inventories and analysis. This ID was effective May 31, 2001. Upon issuance, the Agency gave notice in the Federal Register with a

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request for comment. The Agency later determined that the interim requirements of the road management policy limiting road construction in inventoried roadless and contiguous unroaded areas were not relevant to the road management policy; rather, these requirements should be dealt with in the context of overall management planning of roadless areas. Moreover, field units were generally finding it difficult to determine how to define and map contiguous unroaded areas consistently. In some recent cases, the interim requirements were resulting in EIS's for minimal road construction or reconstruction along the edge of inventoried roadless areas and contiguous unroaded areas, with resultant delays in project decisions. Therefore, the Agency issued a second ID effective December 14, 2001 (ID No. 7710-2001-3), to rescind these interim requirements from FSM chapter 7710 and simultaneously issued a third ID (ID No. 1920-2001-1) to relocate these roadless requirements to FSM chapter 1920, Land and Resource Management Planning. Although the second ID was immediately effective, a notice with a request for comment was published in the Federal Register on December 20, 2001 (66 FR 65796). The direction previously issued in ID No. 7710-2001-3 was reissued, without substantive change, as ID No. 7710-2003-1, effective June 12, 2003. Comments on ID No. 7710-2001-1 and ID No. 7710-2001-3 have been considered in developing the next appropriate steps concerning the road management policy.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/01	66 FR 65796
NPRM Comment Period End	02/19/02	
Final Action	12/00/03	

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

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**RIN:** 0596-AB90**411. FOREST LAND ENHANCEMENT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 107-171**CFR Citation:** 36 CFR 230, subpart C (New)**Legal Deadline:** None

**Abstract:** The Forest Service is adopting a final rule for the implementation of the Forest Land Enhancement Program (FLEP) authorized in the 2002 Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) through an amendment to the Cooperative Forestry Assistance Act (16 U.S.C. 2103). The FLEP program was implemented through an interim final rule published on June 9, 2003 (68 FR 25748). The final rule focuses on guidance needed to allow State forestry agencies to implement the program throughout its existence. In developing the final rule, the Department is considering comments on the interim rule, information and experience gained during the first year of implementing FLEP, and consultation with other State and Federal government agencies.

The goals of FLEP are to: (1) enhance the productivity of timber, fish and wildlife habitat, soil and water quality, wetland, recreational resources, and aesthetic values of private nonindustrial private forestland (NIPF); and (2) establish, manage, maintain, enhance, and restore such forests. The act requires establishing a coordinated and cooperative Federal, State, and local grants program directed to achieve sustainable forestry; assisting owners of nonindustrial private forestlands to more actively manage these lands and related resources; and encouraging such owners to use State, Federal, and private sector resource management expertise, financial assistance, and educational programs. The FLEP program replaces two previous conservation incentives programs: The Stewardship Incentive Program (SIP) and the Forestry Incentives Program (FIP). It is very similar to other cooperative grant and agreement programs that the Forest Service has managed over the past 50 years.

Program funding is expected to remain at an average of about \$20 million annually over a 5-year period (FY 2003 through FY 2007). The FLEP program is administered by the Forest Service through State forestry agencies and the

Forest Service State and Private Forestry (S&amp;PF) Deputy Area.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/09/03	68 FR 34309
Interim Final Rule Comment Period End	08/08/03	
Final Action	06/00/04	
Final Action Effective	07/00/04	

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

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

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**RIN:** 0596-AB95**412. COMMUNITY AND PRIVATE LAND FOREST FIRE ASSISTANCE PROGRAM****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 107-171**CFR Citation:** 36 CFR 230, subpart D (new)**Legal Deadline:** None

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

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**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/03	
Interim Final Rule Comment Period End	02/00/04	
Final Action	05/00/04	

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

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**RIN:** 0596-AB96

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 16 USC et seq

**CFR Citation:** 36 CFR 219.35(d)

**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. Previous planning regulations to implement the National Forest Management Act applied only to the development, revision, and amendment of land and resource management plans. The November 2000 rule also applied to site-specific project decisions. Section 219.35 of that rule provided for the transition from the 1982 planning rule to the 2000 rule. November 9, 2003, is the date by which all site-specific decisions must be in conformance with the provisions of the 2000 rule. 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. On December 6, 2002, the Forest Service published a proposed planning rule (67 FR 72770). Like the

1982 planning regulation, this proposed rule would not apply the provisions of the planning regulations to site-specific project decisions. The revised planning rule was not completed by November 9, 2003; thus the Department needs to extend the compliance deadline in 36 CFR 219.35(d) regarding site-specific project decisions until the adoption of a final planning rule. This action is needed immediately because planning for site-specific projects often begins at least 6 to 9 months before an anticipated decision. It is necessary to grant relief to field units of the National Forest System from being held to the provisions of the 2000 rule for site-specific project decisions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/10/03	68 FR 53294
Interim Final Rule Comment Period End	11/10/03	
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC01

#### 414. STEWARDSHIP END RESULT CONTRACTING (NOTICE OF INTERIM GUIDELINES)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-7

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is developing proposed interim directives to set out the detailed policy and procedures in Forest Service Manual 2400 and Related Handbooks needed to implement the provisions for stewardship contracting projects authorized for a period of 10 years by section 323 of the Consolidated Appropriations Act for Fiscal Year 2003 (Pub. L. 108-7). The expanded authority for these projects would

provide for collaboration with the States and local communities; opportunities for local communities to respond to contract proposals; agreements and contracts with private or other public entities; the exchange of goods for services; use of receipts for land restoration and enhancement efforts; and contract awards based on "best value."

Comments received on the proposed interim directives would be considered in the development of final directives.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/27/03	68 FR 38285
Interim Final Rule Comment Period End	07/28/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC03

#### 415. • SPECIAL AREAS; ROADLESS AREA CONSERVATION; APPLICABILITY TO THE TONGASS NATIONAL FOREST, ALASKA

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

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

**CFR Citation:** 36 CFR 294

**Legal Deadline:** NPRM, Judicial, August 10, 2003, NPRM.

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

**Abstract:** The Forest Service is adopting a final rule at 36 CFR 294.14(d) to exempt the Tongass National Forest in Alaska from the scope and applicability of the prohibitions in the Roadless Area

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Conservation final rule (the “roadless rule”) until USDA promulgates a revised final roadless rule as announced in the July 10, 2001, advance notice of proposed rulemaking (66 FR 35918). This final rule will provide a more balanced approach for the management of roadless areas on the Tongass National Forest.

On January 12, 2001, the Forest Service published the roadless rule in the Federal Register establishing prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas at 36 CFR part 294, subpart B (66 FR 3244). Since publication, the roadless rule has been challenged by nine lawsuits filed in six judicial districts, including the Alaska district, and in four Federal circuits. On May 10, 2001, a Federal judge issued a preliminary injunction order preventing the Department from implementing the roadless rule. On April 14, 2003, the injunction order was reversed by the Ninth Circuit Court of Appeals. On July 14, 2003, a Federal district judge in the Tenth Circuit issued a permanent injunction order which is now pending appeal before the Tenth Circuit Court of Appeals.

On June 10, 2003, a settlement agreement was signed by the United States and the State of Alaska to resolve the suit filed by the State of Alaska and other plaintiffs. As required by the settlement agreement, a proposed rule was published on July 15, 2003 (68 FR 41865), with a 30-day comment period ending August 14, 2003. Subsequently, a notice was published on August 18, 2003, extending the comment period to September 2, 2003 (68 FR 49395). In developing this final rule, the Department is reviewing the public comments received on the proposed rule, along with the existing information, including the 2003 Supplemental EIS for the Revised Tongass Forest Plan, and evaluating the existing situation in Southeast Alaska. As further stipulated by the settlement agreement, the agency also published

on July 15, 2003 (68 FR 41864), an advance notice of proposed rulemaking to seek public comment on a proposal that would permanently exclude National Forest System lands in Alaska (that is, the Tongass and Chugach National Forests) from the prohibitions established by the roadless rule.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/03	68 FR 41865
NPRM Comment Period End	08/14/03	
NPRM Comment Period Extended	08/18/03	68 FR 49395
NPRM Comment Period End	09/02/03	
Final Action	11/00/03	

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

[www.roadless.fs.fed.us](http://www.roadless.fs.fed.us)

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**RIN:** 0596-AC04**416. • DELEGATION OF AUTHORITY TO APPROVE FREE USE BY INDIVIDUALS**

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

**Legal Authority:** Not Yet Determined**CFR Citation:** 36 CFR 223.8**Legal Deadline:** None

**Abstract:** The Forest Service is developing an interim final rule to revise the current regulations at 36 CFR 223.8 to increase the value of timber

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

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

**Timetable:**

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

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

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**RIN:** 0596-AC09

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Completed Actions**
**417. PREFERENCE FOR VISITOR SERVICE; ALASKA NATIONAL FOREST CONSERVATION SYSTEM UNITS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 251

**Completed:**

Reason	Date	FR Cite
Final Action	06/11/03	68 FR 35116
Final Action Effective	07/11/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB57

**418. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED FOR LIMITED TIMBER HARVEST ON NATIONAL FOREST SYSTEM LANDS (FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)**

**Priority:** Other Significant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	07/29/03	68 FR 44598
Final Action Effective	07/29/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB88

**419. NOTICE, COMMENT, AND APPEAL PROCEDURES FOR PROJECTS AND ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 215 (Revision)

**Completed:**

Reason	Date	FR Cite
Final Action	06/04/03	68 FR 33582
Final Action Effective	07/07/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB89

**420. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED FOR FIRE MANAGEMENT ACTIVITIES (INTERIM DIRECTIVE TO FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	06/05/03	68 FR 33814
Final Action Effective	06/05/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB99

**BILLING CODE 3410-90-S**

**Department of Agriculture (USDA)**  
**Office of Chief Financial Officer (OCFO)**
**Completed Actions**
**421. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 3017 and 3021

**Completed:**

Reason	Date	FR Cite
Final Action	11/26/03	68 FR 66534

**Regulatory Flexibility Analysis**

**Required:** No

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

**Agency Contact:** Annie Walker-Bradley

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**RIN:** 0505-AA11

**BILLING CODE 3410-90-S**

**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**
**Proposed Rule Stage**
**422. GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL REFERENCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171, sec 9002

**CFR Citation:** 7 CFR 2902

**Legal Deadline:** NPRM, Statutory, October 10, 2002, NPRM.

**Abstract:** These proposed regulations are for purposes of establishing

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Room 361, Reporters Building, Office

## USDA—AgSEC

## Proposed Rule Stage

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Washington, DC 20024

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RIN: 0503-AA26

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

## Final Rule Stage

**423. GENERAL NONPROCUREMENT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 901 et seq

**CFR Citation:** 7 CFR 3020

**Legal Deadline:** None

**Abstract:** USDA published 7 CFR part 3015, Uniform Federal Assistance Regulations, in 1981 to establish and codify departmentwide policies and standards for administering grants and cooperative agreements to governmental and nongovernmental entities. Since that time, the Office of Management and Budget has led efforts to establish Governmentwide common rules for governmental and nongovernmental recipients of grants and cooperative agreements. Consequently, over the years, USDA has codified its

Governmentwide common rules in other parts of title 7 of the CFR. This has resulted in corresponding amendments to part 3015 to revise its scope accordingly. We are proposing to remove part 3015 and to add part 3020 to parts of title 7. We are proposing to include other administrative requirements that were never codified. The alternative would be to continue to work with the disjointed, outdated part 3015. Expected results are that the new part 3020 will be more clear and concise and will only contain those cross-cutting requirements not included in other USDA departmentwide administrative regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/03	68 FR 41947

Action	Date	FR Cite
NPRM Comment Period End	08/15/03	
Final Action	02/00/04	

**Regulatory Flexibility Analysis Required:** No

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

**Federalism:** Undetermined

**Agency Contact:** Annie Walker-Bradley, Acting Director Planning and Accountability, Department of Agriculture, Office of the Secretary, Room 4632 South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0503-AA21

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

## Completed Actions

**424. OUTREACH AND ASSISTANCE FOR DISADVANTAGED FARMERS AND RANCHERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 26

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/30/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Herring  
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**RIN:** 0503-AA22

**425. ADJUDICATIONS UNDER SECTION 741**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 7 CFR 15f

**Completed:**

Reason	Date	FR Cite
Withdrawn	11/01/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert J. Day  
Phone: 202 720-8106

**RIN:** 0503-AA24  
**BILLING CODE** 3410-XY-S

**Department of Agriculture (USDA)  
Rural Business-Cooperative Service (RBS)**

## Proposed Rule Stage

**426. 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

## USDA—RBS

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

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

**Agency Contact:** Nichelle Daniels, Loan Specialist, B&I Servicing Branch, Department of Agriculture, Rural Business-Cooperative Service, Room 6858/Stop 3224, Room 6858/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-1754  
Email: nichelle.daniels@usda.gov

**RIN:** 0570-AA24

**427. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—FINANCING COOPERATIVE STOCK**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4279, subpart A; 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** The Agency proposes to revise the Business and Industry Program regulations to incorporate additional guidance and eliminate or reduce certain requirements when financing cooperative stock.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Debi Raygor, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6849/STOP 3224, Room 6849/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA26

**428. 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	12/00/03	
NPRM Comment Period End	02/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, Room 6868/Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA28

**429. ANNUAL RENEWAL FEE**

**Priority:** Other Significant

**Legal Authority:** 7 USC 1932

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service is amending its regulation for Business and Industry Guaranteed Loans to provide for an annual renewal fee. The intended effect of this rule is to reduce the subsidy

rate and its associated budget authority dollar level, which will result in a greater level of assistance to the public (i.e., higher supportable loan level).

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Michael Foore, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA34

**430. RURAL BUSINESS INVESTMENT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 107-171, sec 6029

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act, which amended the Consolidated Farm and Rural Development Act by adding "Subtitle H—Rural Business Investment Program." Section 6029 provides that the Secretary "shall" establish the program and provides mandatory no-year funding out of the Commodity Credit Corporation at a level sufficient to guarantee \$280 million of debentures and \$44 million in grants. The purpose of the program is the establishment of equity capital investment in Rural Business Investment Companies and other entities through a combination of grants and guarantees of debentures with the objective of fostering economic development in rural areas. By law, the program is required to be administered by another Federal agency that has considerable expertise in operating a similar program; the joint Explanatory Statement of the Conference Committee refers to the Small Business



## USDA—RBS

## Proposed Rule Stage

Administration (SBA) in this context. The Rural Business-Cooperative Service is currently working with SBA to develop the program; negotiations are ongoing.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Michael Foore, Loan Specialist, Special Projects/Programs Oversight Division, Department of Agriculture, Rural Business-Cooperative Service, STOP 3221, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA35

**431. BUSINESS AND INDUSTRY LOAN PROGRAM—REWRITE OF PROGRAM REGULATIONS**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B

**Legal Deadline:** None

**Abstract:** The regulations are being completely rewritten to make changes that will ultimately reduce delinquencies, enhance program effectiveness, correct minor inconsistencies, and make the regulations more clear and easier to understand.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, Tribal

**Federalism:** Undetermined

**Agency Contact:** Brenda Griffin, Loan Specialist, Processing Division, Department of Agriculture, Rural Business-Cooperative Service, Room 6847/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA41

**432. • NATIONAL SECURITY EMERGENCY**

**Regulatory Plan:** This entry is Seq. No. 29 in part II of this issue of the **Federal Register**.

**RIN:** 0570-AA48

**433. • TANGIBLE NET EQUITY**

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

**Legal Authority:** 7 USC 1932(a)

**CFR Citation:** 7 CFR 1980; 7 CFR 4279

**Legal Deadline:** None

**Abstract:** This proposed rulemaking amends 7 CFR parts 4279 and 1980 by modifying the equity requirement considered in the underwriting of business and industry loans by guaranteed lenders and/or the Rural Business-Cooperative Service as follows:

— In the case of direct or guaranteed refinancing loans only, apply an adjusted equity requirement, where tangible net equity is modified by (i) including asset value to the extent of the difference between the depreciated book value of real property assets and current market value supported by an independent appraisal, or the original

loan amount, whichever is less and (ii) family capital subordinated debt, where the subordinated debt is held by and represents a cash infusion to the business by the owner or close family member, and the repayment terms are such that repayment is not ahead of Agency direct and/or guaranteed loan exposure.

— Increase the equity requirement for energy loans to 40 percent for existing businesses (in existence for three years) and 50 percent for new businesses. Construction financing is not an eligible energy loan purpose; energy project that produce biomass fuel, biogas, fuel cells or batteries as an output must have completed two operating cycles at design performance levels acceptable to the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**434. • RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS**

**Regulatory Plan:** This entry is Seq. No. 30 in part II of this issue of the **Federal Register**.

**RIN:** 0570-AA50

**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**

**Final Rule Stage**

**435. 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	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**436. RURAL BUSINESS ENTERPRISE GRANT PROGRAM—FARM BILL CHANGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1932

**CFR Citation:** 7 CFR 1942

**Legal Deadline:** None

**Abstract:** President Bush signed the Farm Bill May 13, 2002, changing the definition of rural and rural area in the Consolidated Farm and Rural Development Act for certain programs including the Rural Business Enterprise Grant (RBEG) program. The definition now reads "any area other than a city or town that has a population of greater than 50,000 inhabitants and the urbanized area contiguous and adjacent to such as a city or town." The previous definition of rural and rural area was "any area that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile." Therefore, the RBEG program, which is authorized under the Consolidated Farm and Rural Development Act, must be changed to reflect the current definition.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, Room 6868/Stop

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**RIN:** 0570-AA36

**437. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPANDED ELIGIBILITY CRITERIA**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Section 6013 of the Act adds other renewable energy systems as an eligible loan purpose. Section 6017 expands eligibility criteria for loans to cooperatives and loan guarantees in nonrural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**438. VALUE—ADDED PRODUCER GRANTS AND AGRICULTURE INNOVATION CENTERS**

**Priority:** Other Significant

**Legal Authority:** PL 107-171, sec 6401; PL 107-171, sec 6402

**CFR Citation:** 7 CFR 4284

## USDA—RBS

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This action sets forth the policies and procedures for awarding value-added producer grants and grants for establishing pilot agricultural innovation centers

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/03	68 FR 35321
NPRM Comment Period End	08/12/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James E. Haskell, Assistant Deputy Administrator, Cooperative Services, Department of Agriculture, Rural Business-Cooperative Service, MS 3250, Stop 3250, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA40

**439. INTERMEDIARY RELENDING PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9812(a)

**CFR Citation:** 7 CFR 4274

**Legal Deadline:** None

**Abstract:** This regulatory action is to effectively clarify, simplify, and strengthen the existing regulations.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No  
**Government Levels Affected:** Local, State, Tribal

**Agency Contact:** Lori Washington, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0570-AA42

**440. • FISCAL TRANSFER AGENT—SECONDARY MARKET SALES OF GUARANTEED LOANS**

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

**Legal Authority:** 7 USC 1988; 7 USC 1989

**CFR Citation:** 7 CFR 4279-A; 7 CFR 4279-C

**Legal Deadline:** None

**Abstract:** Section 338(b)(2)(A) of the CONACT authorizes the Secretary, either directly or through a market maker, to issue pool certificates representing ownership of part or all of the guaranteed portion of any loan guaranteed by the Secretary for certain guaranteed programs.

The sale of Government guaranteed loan portions to investors in the secondary market increases earnings, liquidity, and the capital available to lenders. Lenders in the Small Business Administration (SBA) 7(a) loan program are selling loans by using an SBA-approved Fiscal Transfer Agent (FTA) that pools and markets loans on the secondary market. Rural Development seeks to use Section 338(b)(2)(A) of the CONACT to provide the same service to lenders.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46509
NPRM Comment Period End	10/06/03	
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Federalism:** Undetermined

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**RIN:** 0570-AA47

**Department of Agriculture (USDA)  
Rural Business-Cooperative Service (RBS)**

**Completed Actions**

**441. ALLOCATION FORMULAS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1940, subpart L

**Completed:**

Reason	Date	FR Cite
Final Action	03/26/03	68 FR 14527

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Berger

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**RIN:** 0570-AA30

**442. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—DOMESTIC LAMB INDUSTRY ADJUSTMENT ASSISTANCE PROGRAM SET-ASIDE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 4279, subpart B

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/10/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Debi Raygor  
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**RIN:** 0570-AA31

**BILLING CODE** 3410-15-S

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

**Proposed Rule Stage**

**443. 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	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0572-AB40

**444. 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	11/00/03	
NPRM Comment	01/00/04	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB59

**445. 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	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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**RIN:** 0572-AB75

**446. 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	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0572-AB76

**447. 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	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## USDA—RUS

## Proposed Rule Stage

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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**RIN:** 0572-AB77

#### 448. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION PURPOSES

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 1720

**Legal Deadline:** NPRM, Statutory, January 8, 2003, NPRM.

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

#### Regulatory Flexibility Analysis Required: Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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**RIN:** 0572-AB83

#### 449. • SALE OR TRANSFER OF CAPITAL ASSETS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1717

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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**RIN:** 0572-AB84

#### 450. • HIGH ENERGY COST RURAL COMMUNITY GRANTS

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

**Legal Authority:** PL 106-472; title III, sec 301, 7 USC 918a

**CFR Citation:** 7 CFR 1709

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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**RIN:** 0572-AB91

#### 451. • RUS ELECTRIC DISTRIBUTION & G&T BORROWERS' REQUIREMENTS FOR ASSURING THE HOMELAND SECURITY OF THE RURAL ELECTRIC INFRASTRUCTURE

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

**Legal Authority:** Undetermined

**CFR Citation:** 1730

**Legal Deadline:** None

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

## USDA—RUS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South

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RIN: 0572-AB92

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

## Final Rule Stage

**452. 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 will 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
ANPRM Comment Period End	11/16/98	
NPRM	07/02/02	67 FR 44396
NPRM Comment Period End	10/30/02	
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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RIN: 0572-AB67

**453. 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 update telecommunications field trial requirements and update the listing of contract forms for use in telecommunications systems of RUS borrowers.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/03	

**Regulatory Flexibility Analysis Required:** No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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RIN: 0572-AB69

**454. 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 Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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Email: richard.annan@usda.gov

RIN: 0572-AB72

**455. 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.

## USDA—RUS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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RIN: 0572-AB74

**456. LAUNCHING OUR COMMUNITIES ACCESS TO LOCAL TELEVISION ACT OF 2000**

Priority: Other Significant

Legal Authority: 47 USC 1101 et seq; PL 106-553; PL 107-171

CFR Citation: 7 CFR 2200; 7 CFR 2201

Legal Deadline: None

**Abstract:** The Rural Utilities Service (RUS), on behalf of the Local Television Loan Guarantee Board, is proposing to draft regulations to implement title X, Local TV Act, of H.R. 5548. The purpose of this Act is to facilitate

access, on a technology neutral basis, to signals of local television stations for households located in non-served and under-served areas.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/03	68 FR 48814
NPRM Comment Period End	09/15/03	
NPRM Comment Period End (ICR)	10/14/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250  
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RIN: 0572-AB82

**457. • EXEMPTION OF CERTAIN BORROWERS FROM CONTROLS**

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

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 1717

Legal Deadline: None

**Abstract:** RUS is removing section 1717.656(a)(3) in its entirety. This section exempts certain borrowers from controls, became effective October 23, 1995. Effective January 29, 1996, RUS established new loan contract requirements that conflict with this section. This administrative action is taken to eliminate confusion in the rule and provide consistency to the regulation.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Richard Annan, Acting Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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RIN: 0572-AB85

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

## Long-Term Actions

**458. SETTLEMENT OF DEBT**

Priority: Other Significant

CFR Citation: 7 CFR 1717

**Timetable:**

Action	Date	FR Cite
Next Action		
Undetermined		

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0572-AB61

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

## Completed Actions

**459. ENVIRONMENTAL POLICIES AND PROCEDURES**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1794

**Completed:**

Reason	Date	FR Cite
Final Action	08/01/03	68 FR 45157

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0572-AB73

## USDA—RUS

## Completed Actions

**460. EXTENSIONS OF PAYMENTS OF PRINCIPAL AND INTEREST****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1721**Completed:**

Reason	Date	FR Cite
Final Action	06/26/03	68 FR 37952

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan

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**RIN:** 0572-AB79**461. USEFUL LIFE OF FACILITY DETERMINATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1710**Completed:**

Reason	Date	FR Cite
Final Action	05/07/03	68 FR 24335

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan

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**RIN:** 0572-AB80**462. • EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005**CFR Citation:** 7 CFR 1778**Legal Deadline:** None**Abstract:** The Rural Utilities Service is amending its regulation governing Emergency Community Water Assistance Grants (ECWAG) to allow eligibility for the program to be

extended to situations where an emergency is considered imminent.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	08/05/03	68 FR 46077
Direct Final Rule Effective	09/19/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Stop 1522, Washington, DC 20250

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**RIN:** 0572-AB90**BILLING CODE 3410-16-S**

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Natural Resources Conservation Service (NRCS)

**463. EMERGENCY WATERSHED PROTECTION PROGRAM****Priority:** Economically Significant**Legal Authority:** PL 81-516; 33 USC 701; PL 95-334; PL 104-127; 16 USC 2203**CFR Citation:** 7 CFR 624**Legal Deadline:** None**Abstract:** A revision is necessary to incorporate changes in the program, which have resulted from the passage of the 1996 Farm Bill; to fulfill a desire to make the program more responsive and efficient; and to respond to concerns of the public and the Agency. The rule is being reorganized and several items added.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Victor Cole, National EWP Leader, Department of Agriculture, Natural Resources Conservation Service, Room 6019-S, PO Box 2890, Washington, DC 20013

Phone: 202 690-4575

Fax: 202 720-2143

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**RIN:** 0578-AA30**464. CONSERVATION SECURITY PROGRAM****Regulatory Plan:** This entry is Seq. No. 31 in part II of this issue of the **Federal Register**.**RIN:****465. GRASSLAND RESERVE****Priority:** Other Significant**Legal Authority:** PL 107-171; 16 USC 3838**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Under Grassland Reserve Program (GRP) the Department enters into easement or rental agreements with owners of grazing land to protect and restore such lands. The Department will designate payment for cost share to restore the functions and values of grasslands.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Leslie Deavers, Watersheds and Wetlands Division, Department of Agriculture, Natural Resources Conservation Service, Washington, DC 20013

Phone: 202 720-1067

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**RIN:** 0578-AA38



**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**
**Final Rule Stage**
**466. WETLAND CATEGORICAL  
MINIMAL EFFECTS EXEMPTIONS**
**Priority:** Other Significant**Legal Authority:** 16 USC 3821**CFR Citation:** 7 CFR 12**Legal Deadline:** None

**Abstract:** The 1985 Farm Bill, as amended, gives producers a major incentive to conserve wetlands by tying eligibility for most USDA program benefits to conservation of wetlands. However, producers can convert wetlands based on available exemptions, including a minimal effect exemption. A minimal effect applies if the action, individually and cumulatively, will have minimal effect on the functional hydrological and biological value of the wetlands in the area. A categorical minimal effect is one that, when carried out, will always have a minimal effect on the hydrologic and biological functions of wetlands in the area. These activities will be identified on a regional basis.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/04	

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

**Agency Contact:** Floyd Wood,  
Department of Agriculture, Natural  
Resources Conservation Service,  
Watersheds and Wetlands Division, PO  
Box 2890, Washington, DC 20013-2890  
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**RIN:** 0578-AA27
**467. TECHNICAL SERVICE PROVIDER  
ASSISTANCE**
**Priority:** Other Significant**Legal Authority:** 16 USC 3842**CFR Citation:** 7 CFR 652**Legal Deadline:** None

**Abstract:** Third Party Vendor assistance will allow producers to obtain technical services from the department or entities by a certification process. This process will distinguish between certification of an individual working under his or her own auspices and that of an organization such as a corporation or a public agency which has individuals working on its behalf. Certification of an individual means the individual has the requisite education and technical expertise to perform the technical services. Certification of an entity or public agency means that the organization may receive payment for the services provided by individuals

working under its auspices, but the work must be performed or warranted by certified individuals and the organization must assume the liability for the quality of work performed.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/21/02	67 FR 70119
Interim Final Rule Comment Period End	02/19/03	
Interim Final Rule Effective	03/01/03	
Interim Final Rule	03/24/03	68 FR 14131
Interim Final Rule Comment Period End	06/23/03	
Final Action	12/00/03	

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

**Agency Contact:** Melissa Hammond,  
Coordinator, Technical Service  
Providers, Department of Agriculture,  
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Service, Room 5205-S, P.O. Box 2890,  
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**RIN:** 0578-AA35
**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**
**Long-Term Actions**
**468. 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
**469. • NRCS EQUITABLE RELIEF  
PROCEDURES**

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

**Legal Authority:** 7 USC 7996**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Equitable Relief Procedures are set forth in title I, section 1613, of the Farm Security and Rural Investment Act of 2002 (the 2002 Act) and is relief to participants in certain cases for certain Natural Resources Conservation Service and Commodity Credit Corporation programs. The relief applies to cases where the applicant for relief took action to the applicant's detriment based on bad information from departmental officials. Also, it covers

where the applicant simply, but in good faith, failed to fully comply with program requirements. The rule is intended to implement a statutory requirement that the Agencies provide relief to producers who took action to their detriment based on bad information from officials.

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

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

**Agency Contact:** Elizabeth Schuler,  
Equitable Relief Specialist, Department  
of Agriculture, Natural Resources  
Conservation Service, 1004 Pebble  
Brook, Nashville, TN 57221  
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## USDA—NRCS

## Long-Term Actions

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RIN: 0578-AA39

## Department of Agriculture (USDA)

## Completed Actions

## Natural Resources Conservation Service (NRCS)

**470. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 7 CFR 1466**Completed:**

Reason	Date	FR Cite
Final Action	05/30/03	68 FR 32337

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas W. Christensen

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RIN: 0578-AA31

**471. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1465**Completed:**

Reason	Date	FR Cite
Final Action	04/09/03	68 FR 17272

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Dave Mason

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RIN: 0578-AA32

**472. FARM AND RANCH LANDS PROTECTION PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1491**Completed:**

Reason	Date	FR Cite
Final Action	05/16/03	68 FR 26461

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Douglas J. Lawrence

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RIN: 0578-AA37

BILLING CODE 3410-98-S

## Department of Agriculture (USDA)

## Final Rule Stage

## Office of Procurement and Property Management (OPPM)

**473. 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	12/00/03	

**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  
Phone: 202 720-9779  
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RIN: 0599-AA10

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