



# Federal Register

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**Tuesday,  
May 27, 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, Spring 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 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:** March 25, 2003.

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

**Agricultural Marketing Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
1	Changes in Fees for Federal Grading and Certification of Livestock for Chicago Mercantile Exchange Futures Deliveries .....	0581-AB66
2	Revision of Regulations Governing the Inspection and Grading Service of Manufactured or Processed Dairy Products (DA-00-08) .....	0581-AB93
3	National Organic Program: Add Standards for Mushroom, Apiculture, Greenhouse, and Hydroponic Production Systems and the Handling of Honey (TM-01-09) .....	0581-AB96
4	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) .....	0581-AB97
5	Livestock Mandatory Reporting Program—Lamb Amendment (LS-01-08) .....	0581-AB98
6	Mango Promotion, Research, and Information Order (FV-01-707) .....	0581-AC05
7	Exemption of Organic Producers From Research and Promotion/Marketing Order Assessment (PY-02-002) .....	0581-AC15
8	National Dairy Promotion and Research Program (DA-02-03) .....	0581-AC16
9	Removal of Cottonseed Chemist Licensing Program and Fees (ST-02-03) .....	0581-AC18
10	Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003) .....	0581-AC25

**Agricultural Marketing Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
11	Flue-Cured Tobacco Advisory Committee: Amendment to Regulations (TB-02-14) .....	0581-AC11
12	Quality Systems Verification Program (LS-02-10) .....	0581-AC12
13	Voluntary Federal Meat Grading and Certification Services (LS-02-06) .....	0581-AC13
14	User Fees for 2003 Crop Cotton Classification Services (CN-02-006) .....	0581-AC17
15	National Organic Program, Amendment to the National List of Allowed and Prohibited Substances .....	0581-AC19
16	PACA: Coating or Battering Fruits and Vegetables Does Not Alter Their Character (FV-02-369) .....	0581-AC21

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

Sequence Number	Title	Regulation Identification Number
17	USDA "Produced From" Grademark for Shell Eggs (PY-02-007) .....	0581-AC24

## USDA

## Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
18	Hass Avocado Promotion, Research, and Information Order (FV-01-705) .....	0581-AB92
19	Cotton Futures Act: Changing the Destination of Spot Markets (CN-01-004) .....	0581-AC00
20	Voluntary Egg, Poultry, and Rabbit Grading, Increase in Fees and Charges (PY-02-002) .....	0581-AC10
21	Tobacco Inspection: Mandatory Grading (TB-02-11) .....	0581-AC20
22	Plant Variety Protection Services (ST-02-01) .....	0581-AC22
23	Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the U.S. and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations .....	0581-AC23

## Agricultural Marketing Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0581-AB42	National Laboratory Accreditation Program	05/01/2003	Withdrawn
0581-AB90	Discontinue the Official Grading of Imported Beef, Lamb, Veal, and Calf Carcasses Under the Authority of the Agricultural Marketing Act of 1946	05/01/2003	Withdrawn
0581-AC08	Establishing Fees for Voluntary Quality Systems Certification Services (LS-00-13)	05/01/2003	Withdrawn

## Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
24	Servicing Minor Farm Loan Program Loans .....	0560-AG67
25	2002 Farm Bill Regulations—Loan Eligibility With Prior Debt Forgiveness .....	0560-AG81
26	Revision of Indian Tribal Land Acquisition Program Loan Regulations .....	0560-AG87
27	Providing Farm Loans in a National Security Emergency .....	0560-AG89
28	Selection of FSA State and County Committees .....	0560-AG90

## Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
29	Elimination of 30-Day Past-Due Period for Farm Loan Program Borrowers .....	0560-AG50
30	Clarification of Informal Appeals Procedures .....	0560-AG88
31	2003-Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG93
32	2003 Agricultural Assistance Act—Crop Disaster Program, Livestock Assistance Program, and Weather-Related Losses for Sugar Beets .....	0560-AG95
33	Cottonseed Payment Program .....	0560-AG97
34	Hurricane Assistance for Sugarcane Producers and Processors .....	0560-AG98

## Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
35	Amendments to the Standards for Approval of Warehouse for Commodity Credit Corporation Storage Contracts ....	0560-AE50
36	Deletion of FSA Regulations Regarding Colorado River Basin Salinity Control Program .....	0560-AE54
37	Amendments to the Debt Settlement Policies and Procedures To Conform to the Debt Collection Improvement Act of 1996 .....	0560-AF22
38	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs .....	0560-AF60
39	Emergency Conservation Program .....	0560-AG26
40	Interest Assistance Program .....	0560-AG46

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Farm Service Agency—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
41	Ocean Freight Claims Administrative Appeal Process .....	0560-AG49
42	Tobacco Marketing Quotas, Cards, Penalty Provisions, Recordkeeping and Reporting .....	0560-AG52
43	Rescheduling Guaranteed Loans With Balloon Payments, Clarification of Annual Analysis Requirements for Guaranteed Lenders, and Subordination Requirements .....	0560-AG53
44	Prompt Disaster Set-Aside Consideration and Primary Loan Servicing .....	0560-AG56
45	2002-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco .....	0560-AG58
46	2002-Crop Marketing Quota and Price Support Level for Burley Tobacco .....	0560-AG59
47	2002-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG60
48	Producer Disqualification for Crop Insurance Fraud .....	0560-AG70
49	2002 Farm Bill Regulations—Conservation Reserve Program .....	0560-AG74
50	2002 Farm Bill Regulations—Assistance for Livestock Producers .....	0560-AG76
51	2002 Farm Bill Regulations—Tree Assistance Program .....	0560-AG83
52	2002 Farm Bill Regulations—Bioenergy Program .....	0560-AG84
53	2002 Farm Bill Regulations—Income Limits .....	0560-AG86
54	2003-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco .....	0560-AG91
55	2003-Crop Marketing Quotas and Price Support Levels for Five Kinds of Tobacco .....	0560-AG92
56	Crop Insurance Linkage .....	0560-AG94

Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identification Number
57	Amendment to the Regulations for Determining Acreage for Skip-Row Cotton .....	0560-AG55
58	2002 Farm Bill Regulations—Direct and Counter-Cyclical Payments, Peanut Quota Buyout, and Hard White Wheat Incentive Payment Program .....	0560-AG71
59	2002 Farm Bill Regulations—General Credit Provisions .....	0560-AG78
60	2002 Farm Bill Regulations—Acreage Reporting and Common Provisions .....	0560-AG79
61	2002 Farm Bill Regulations—Equitable Relief .....	0560-AG80
62	Tobacco Payment Program .....	0560-AG96

Farm Service Agency—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0560-AF77	Amendments to the Conservation Reserve Program Regulations Regarding Land Eligibility	04/30/2003	Merged With 0560-AG74

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
63	Importation of Unmanufactured Wood Articles; Solid Wood Packing Material .....	0579-AA99
64	Plum Pox Compensation .....	0579-AB19
65	Veterinary Diagnostic User Fees—5-Year Plan for Fees ( <b>Section 610 Review</b> ) .....	0579-AB22
66	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs .....	0579-AB24
67	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity .....	0579-AB35
68	Karnal Bunt Compensation .....	0579-AB45
69	Importation of Solid Wood Packing Material; Adoption of International Standards .....	0579-AB48
70	Cost-Sharing for Animal and Plant Health Emergency Programs .....	0579-AB50
71	Trichinae Certification Program .....	0579-AB52
72	Procedures for Reestablishing a Region as Free of a Disease .....	0579-AB53
73	Methyl Bromide; Authorization as Official Quarantine Use .....	0579-AB54

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

Sequence Number	Title	Regulation Identification Number
74	Gypsy Moth; Interstate Movement of Regulated Articles ( <b>Section 610 Review</b> ) .....	0579-AB55

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

Sequence Number	Title	Regulation Identification Number
75	Animal Welfare; Inspection, Licensing, and Procurement of Animals ( <b>Section 610 Review</b> ) .....	0579-AA94
76	Importation of Unmanufactured Wood Articles From Mexico .....	0579-AB02
77	Pseudorabies in Swine; Payment of Indemnity .....	0579-AB10
78	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
79	Bees and Related Articles ( <b>Section 610 Review</b> ) .....	0579-AB20
80	Nursery Stock Regulations ( <b>Section 610 Review</b> ) .....	0579-AB23
81	Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations .....	0579-AB31
82	Foot-and-Mouth Disease; Payment of Indemnity .....	0579-AB34
83	Infectious Salmon Anemia; Payment of Indemnity .....	0579-AB37
84	Animal Welfare; Policy on Training and Handling of Potentially Dangerous Animals .....	0579-AB39
85	Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity ( <b>Section 610 Review</b> ) .....	0579-AB42
86	Low Pathogenic Avian Influenza; Payment of Indemnity .....	0579-AB46
87	Animal Welfare; Transportation of Animals on International Carriers .....	0579-AB51

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

Sequence Number	Title	Regulation Identification Number
88	Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....	0579-AA80
89	Importation of Fuji Variety Apples From the Republic of Korea .....	0579-AA93
90	Blood and Tissue Collection at Slaughtering Establishments .....	0579-AB13
91	Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....	0579-AB26
92	Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....	0579-AB29
93	Importation of Milk and Milk Products From FMD Countries .....	0579-AB38
94	Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species .....	0579-AB43
95	Amend Regulations To Harmonize Our Import Requirements With Proposed National Tuberculosis Eradication Program .....	0579-AB44
96	Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins ....	0579-AB47
97	Flag Smut Import Prohibitions on Wheat and Related Products .....	0579-AB49

## Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
98	Phytosanitary Treatment by Irradiation of Imported Fresh Fruits and Vegetables .....	0579-AA97
99	Establishment of Regions in the European Union for Classical Swine Fever and Swine Vesicular Disease .....	0579-AB03
100	Payments for Cattle and Other Property Because of Tuberculosis .....	0579-AB36

## Animal and Plant Health Inspection Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0579-AA63	Importation of Certain Embryos and Animal Semen	03/04/2003	Withdrawn

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Animal and Plant Health Inspection Service—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
0579-AB04	Horse Protection; Horse Industry Organizations	03/04/2003	Withdrawn
0579-AB30	Draft Action Plan for the Noxious Weeds Program	03/04/2003	Withdrawn
0579-AB41	Additional Restrictions on the Importation of Certain Ruminant Meat, Meat Products, and Edible Products Other Than Meat From BSE Regions	04/28/2003	Withdrawn

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

Sequence Number	Title	Regulation Identification Number
101	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
102	CSREES Agricultural Extension Formula Programs—Administrative Provisions .....	0524-AA26
103	CSREES Agricultural Research Formula Programs—Administrative Provisions .....	0524-AA27
104	CSREES Non-Formula Grant Programs—Administrative Provisions .....	0524-AA28

Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
105	National Flood Insurance Regulations .....	0575-AC07
106	Servicing Community Programs Loans and Grants .....	0575-AC12
107	Multi-Family Housing (MFH) Reinvention .....	0575-AC13
108	Self-Help Technical Assistance Grants .....	0575-AC20
109	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations .....	0575-AC27
110	Guaranteed Rural Rental Housing Program—Secondary Mortgage Market Participation .....	0575-AC28

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
111	Environmental Program .....	0575-AB98
112	Guaranteed Single-Family Housing .....	0575-AC18
113	Operating Assistance for Migrant Farmworker Projects .....	0575-AC24
114	Technical Assistance To Encourage the Development of Domestic and Migrant Farm Labor Housing .....	0575-AC25

Rural Housing Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
115	Civil Rights Compliance Requirements—1901-E to 1940-D .....	0575-AA83

Rural Housing Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
116	Direct Section 502 and 504 Single-Family Housing Program .....	0575-AB99

## USDA

## Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
117	General Administrative Regulations; Subpart D; Application for Crop Insurance .....	0563-AB00
118	General Administrative Regulations; Movement of Business Among Insurance Providers .....	0563-AB71
119	General Administrative Regulations; Sanctions .....	0563-AB73
120	Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions .....	0563-AB76
121	Common Crop Insurance Regulations; Nursery Crop Insurance Provisions .....	0563-AB80
122	General Administrative Regulations; Actual Production History .....	0563-AB83
123	General Administrative Regulations; Subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years .....	0563-AB86
124	General Administrative Regulations; Quality Assurance and Performance Measurement System for the Federal Crop Insurance Program .....	0563-AB88
125	Common Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions .....	0563-AB90
126	Common Crop Insurance Regulations; Pecan Revenue Crop Insurance Provisions .....	0563-AB91

## Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
127	Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Winter Coverage Endorsement .....	0563-AB63
128	General Administrative Regulations; Nonstandard Underwriting Classification System .....	0563-AB66
129	General Administrative Regulations; Premium Reductions; Payments of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities .....	0563-AB70
130	Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; Basic Provisions .....	0563-AB81
131	General Administrative Regulations; Submission of Policies and Provisions of Policies and Rates of Premiums .....	0563-AB84
132	Common Crop Insurance Regulations; Basic Provisions and General Administrative Regulations, Subpart T, Regulations for Implementation .....	0563-AB85
133	Common Crop Insurance Regulations .....	0563-AB87
134	Common Crop Insurance Regulations; Sunflower, Coarse Grains, Safflower, Dry Pea, Rice, and Dry Bean Crop Insurance Provisions .....	0563-AB89

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

Sequence Number	Title	Regulation Identification Number
135	Livestock Purchase or Sale; Prohibit Non-Reporting of Price .....	0580-AA65
136	Prohibition on Disguising Grain Quality .....	0580-AA77
137	Fees for Official Inspection and Official Weighing Services .....	0580-AA80

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

Sequence Number	Title	Regulation Identification Number
138	Tolerances for Dividers .....	0580-AA57
139	Review Inspection Requirements .....	0580-AA58
140	Swine Packer Marketing Contracts .....	0580-AA71
141	Exceptions to Geographic Areas for Official Agencies Under the USGSA .....	0580-AA76
142	Fees for Official Inspection and Weighing Services .....	0580-AA81
143	Fees for Rice Inspection Services .....	0580-AA82

## USDA

## Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
144	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program .....	0584-AB51
145	Commodity Supplemental Food Program: Plain Language, Program Accountability, and Program Flexibility .....	0584-AC84
146	Food Stamp Program: Administrative Cost Reimbursement .....	0584-AC86
147	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....	0584-AD12
148	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....	0584-AD15
149	Food Stamp Program: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores .....	0584-AD18
150	Food Stamp Program: Simplification and State Flexibility .....	0584-AD22
151	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ...	0584-AD25
152	FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD28
153	FSP: High Performance Bonuses .....	0584-AD29
154	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD30
155	FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 .....	0584-AD32
156	Senior Farmers' Market Nutrition Program (SFMNP) .....	0584-AD35
157	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions .....	0584-AD36
158	Discretionary Quality Control Provisions of Title IV of Public Law 107-171 .....	0584-AD37
159	National School Lunch Program (NSLP) Allowable Costs .....	0584-AD38

## Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
160	Special Supplemental Food Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....	0584-AB10
161	Child and Adult Care Food Program: Improving Management and Program Integrity .....	0584-AC24
162	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....	0584-AC37
163	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....	0584-AC72
164	FSP: Civil Rights Data Collections .....	0584-AC75
165	FSP: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability .....	0584-AC91
166	Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....	0584-AC95
167	Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments .....	0584-AD16
168	Determining Eligibility for Free and Reduced Price Meals in Schools—Verification Reporting and Recordkeeping Requirements .....	0584-AD20
169	Food Stamp Program: Administrative Review Requirements—Food Retailers/Wholesalers .....	0584-AD23
170	Privacy Act: Revision of an Existing System of Records .....	0584-AD24
171	Afterschool Snacks Under the Child and Adult Care Food Program .....	0584-AD27
172	FSP: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171 .....	0584-AD31
173	Commodity Supplemental Food Program (CSFP)—Allocation of Administrative Funds .....	0584-AD33

## Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
174	WIC: Requirements for and Evaluation of WIC Program Requests for Bids for Infant Formula Rebate Contracts .....	0584-AB52
175	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....	0584-AC94
176	Improving Access to the Food Stamp Program for Persons With Limited English Proficiency .....	0584-AD06
177	Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387 .....	0584-AD13



## USDA

## Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
178	Food Stamp Program: Anticipating Income and Reporting Changes .....	0584-AB57
179	Implementation of Poultry Substitution Pilot as Permanent and Modification of Commodity Recordkeeping Requirements .....	0584-AD08
180	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Exclusion of Military Housing Payments .....	0584-AD34

## Food and Nutrition Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0584-AC90	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages	02/13/2003	Withdrawn--Will be replaced by an ANPRM
0584-AC96	State Administrative Expense Funds: Plain Language Rewrite	01/31/2003	Withdrawn--No activity anticipated.
0584-AC97	Special Milk Program for Children: Plain Language Revision and Reorganization	01/31/2003	Withdrawn--No activity anticipated.
0584-AC98	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 250, Donation of Foods for Use in the United States, Its Territories and Possessions, and Areas Under Its Jurisdiction	01/31/2003	Withdrawn--No activity anticipated.
0584-AC99	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 251, The Emergency Food Assistance Program (TEFAP)	01/31/2003	Withdrawn--No activity anticipated.
0584-AD00	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 252, The National Commodity Processing Program (NCP)	01/31/2003	Withdrawn--No activity anticipated.
0584-AD01	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 253, the Food Distribution Program on Indian Reservations (FDPIR)	01/31/2003	Withdrawn--No activity anticipated.
0584-AD02	Food Distribution Programs: Plain Language Rewrite of 7 CFR Part 254, the Food Distribution Program on Indian Reservations (FDPIR) in Oklahoma	01/31/2003	Withdrawn--No activity anticipated.
0584-AD03	Nutrition Education and Training Program: Plain Language Rewrite of 7 CFR Part 227	01/31/2003	Withdrawn--No activity anticipated.
0584-AD04	State Agency Liabilities and Federal Sanctions	01/31/2003	Withdrawn--No activity anticipated.
0584-AD05	Payments of Certain Administrative Costs of State Agencies	01/31/2003	Withdrawn--No activity anticipated.
0584-AD10	School Breakfast Program: Plain Language Revision and Reorganization	01/31/2003	Withdrawn--No activity anticipated.
0584-AD11	WIC: Plain Language Rewrite of 7 CFR Part 248, Farmers' Market Nutrition Program	01/31/2003	Withdrawn--No activity anticipated.
0584-AD17	CNP: Plain Language Rewrite of 7 CFR Part 225, Summer Food Service Program	01/31/2003	Withdrawn--No activity anticipated.

## Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
181	Standards and Labeling Requirements for Mechanically Separated Species and Products in Which It Is Used <b>(Section 610 Review)</b> .....	0583-AC93
182	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
183	Ante-Mortem and Post-Mortem Inspection of Livestock and Poultry .....	0583-AC43

## USDA

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

Sequence Number	Title	Regulation Identification Number
184	Requirements for Disposition and Disposal of Inspected Raw Meat and Poultry Products .....	0583-AC44
185	Performance Standards for Bacon .....	0583-AC49
186	Reworking of Meat and Poultry Carcasses Accidentally Contaminated During Evisceration .....	0583-AC53
187	Egg and Egg Products Inspection Regulations .....	0583-AC58
188	Labeling—Generic Approval and Regulation Consolidation .....	0583-AC59
189	Food Standards; Guiding Principles and Food Standards Modernization .....	0583-AC72
190	Petitions for Rulemaking .....	0583-AC81
191	Classes of Poultry Updating Poultry Class Standards .....	0583-AC83
192	Elimination of Chilling Time and Temperature Requirements for Ready-To-Cook Poultry ( <b>Section 610 Review</b> ) .....	0583-AC87
193	Addition of San Marino to the List of Countries Eligible To Export Meat and Meat Products to the United States ....	0583-AC91
194	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

## Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
195	Beef or Pork With Barbecue Sauce; Revision of Standards .....	0583-AC09
196	Performance Standards for Ready-To-Eat Meat and Poultry Products .....	0583-AC46
197	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems .....	0583-AC51
198	Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products .....	0583-AC60
199	Incorporation of Food and Color Additives Into 21 CFR .....	0583-AC69
200	Performance Standards for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....	0583-AC73
201	Agency Organization .....	0583-AC78
202	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
203	Changes in Fees for Meat, Poultry, and Egg Products Inspection Service .....	0583-AC94

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

Sequence Number	Title	Regulation Identification Number
204	Transportation, Storage, and Other Handling of Potentially Hazardous Foods .....	0583-AC05
205	Reform of Regulations on Imported Meat and Poultry Products .....	0583-AC56
206	Food Labeling; Nutrient Content Claims, Definition of the Term Healthy .....	0583-AC65
207	Elimination of Requirements for Total Quality Control Systems .....	0583-AC68
208	Poultry Inspection: Revision of Finished Product Standards With Respect to Ingesta .....	0583-AC77
209	Emergency Regulations To Prevent Meat Food and Meat Products That May Contain the BSE Agent From Entering Commerce .....	0583-AC88

## Food Safety and Inspection Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0583-AC07	Grant and Inauguration of Inspection	01/30/2003	Withdrawn
0583-AC63	Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems; Additions to Generic E. Coli Criteria	01/30/2003	Withdrawn

## USDA

## Foreign Agricultural Service—Prerule Stage

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

## Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
211	Program To Provide Technical Assistance To Promote U.S. Agricultural Exports to Emerging Markets (Emerging Markets Program) .....	0551-AA62
212	McGovern-Dole International Food for Education and Child Nutrition Program .....	0551-AA64
213	Trade Adjustment Assistance for Farmers (TAA) .....	0551-AA66

## Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
214	Program To Assist U.S. Producers in Developing Domestic Markets for Value-Added Wheat Gluten and Wheat Starch Products .....	0551-AA60
215	Technical Assistance for Specialty Crops .....	0551-AA63

## Foreign Agricultural Service—Long-Term Actions

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

## Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
218	Indian Allotments on National Forest System Lands .....	0596-AA52
219	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....	0596-AB45
220	Law Enforcement Support Activities .....	0596-AB61
221	Noncompetitive Sale of Timber; Timber Substitution .....	0596-AB70
222	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....	0596-AB75
223	Determining Fair Market Value for Recreation Residence Use Authorizations .....	0596-AB83
224	Land Uses; Prohibitions; Paleontological Resources .....	0596-AB91
225	Forest Service Trails Accessibility Guidelines .....	0596-AB92
226	Forest Service Outdoor Recreation Accessibility Guidelines .....	0596-AB93
227	Objection Process; Land and Resource Management Planning (Interim Directive, Forest Service Manual, Chapter 1920) .....	0596-AB97
228	Locatable Minerals .....	0596-AB98
229	Sawtooth National Recreation Area-Private Lands; Increasing Residential Outbuilding Size .....	0596-AC00
230	National Forest System Land and Resource Management Planning Directives (Proposed Directives, Forest Service Manual (FSM) 1920 and Forest Service Handbook (FSH) 1909.12) .....	0596-AC02
231	Stewardship Contracting Projects (Proposed Interim Directives; Forest Service Manual 2400 and Related Handbooks) .....	0596-AC03

USDA

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
232	Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts .....	0596-AB21
233	Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations .....	0596-AB36
234	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Timber From Other Lands .....	0596-AB48
235	Preference for Visitor Service; Alaska National Forest Conservation System Units .....	0596-AB57
236	National Environmental Policy Act Documentation Needed for Certain Special Uses Permit Actions (Final Interim Directive to FSH 1909.15, Chapter 30) .....	0596-AB73
237	Land Uses; Special Uses Requiring Authorizations .....	0596-AB74
238	Special Forest Products and Forest Botanical Products .....	0596-AB81
239	National Forest System Land and Resource Management Planning .....	0596-AB86
240	National Environmental Policy Act Documentation Needed For Limited Timber Harvest on National Forest System Lands (Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB88
241	Notice, Comment, and Appeal Procedures for Projects and Activities on National Forest System Lands .....	0596-AB89
242	Revisions to Road Management Policy (Forest Service Manual Chapter 7710) .....	0596-AB90
243	Forest Land Enhancement Program .....	0596-AB95
244	Community and Private Land Forest Fire Assistance Program .....	0596-AB96
245	National Environmental Policy Act Documentation Needed for Fire Management Activities (Interim Directive to Forest Service Handbook 1909.15, Chapter 30) .....	0596-AB99
246	National Forest System Land and Resource Management Planning; Extension of Compliance Deadline for Site-Specific Projects .....	0596-AC01

Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
247	Hydropower Applications .....	0596-AA47
248	Landownership Adjustments; Conveyance of Small Tracts .....	0596-AA79
249	Species Surplus to Domestic Manufacturing Needs .....	0596-AB27

Office of Chief Financial Officer—Long-Term Actions

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

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
251	General Nonprocurement Regulations .....	0503-AA21
252	Guidelines for Designating Biobased Products for Federal Reference .....	0503-AA26

Office of the Secretary—Final Rule Stage

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

**USDA**

## Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
254	Adjudications Under Section 741 .....	0503-AA24

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
255	Appeal of Oral Decisions Under the Rules of Practice .....	0503-AA25

## Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
256	Affirmative Fair Housing Marketing Plan .....	0570-AA24
257	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock .....	0570-AA26
258	Rural Business Enterprise Grant Program .....	0570-AA28
259	Annual Renewal Fee .....	0570-AA34
260	Rural Business Investment Program .....	0570-AA35
261	Value-Added Producer Grants and Agriculture Innovation Centers .....	0570-AA40
262	Business and Industry Loan Program—Rewrite of Program Regulations .....	0570-AA41
263	Intermediary Relending Program .....	0570-AA42

## Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
264	Rural Economic Development Loan and Grant Program .....	0570-AA19
265	Allocation Formulas .....	0570-AA30
266	Business and Industry Guaranteed Loan Program—Domestic Lamb Industry Adjustment Assistance Program Set-Aside .....	0570-AA31
267	Rural Business Enterprise Grant Program—Farm Bill Changes .....	0570-AA36
268	B&I Guaranteed Loan Program Farm Bill Changes—Expand Eligibility Criteria .....	0570-AA39

## Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
269	B&I Guaranteed Loan Program Farm Bill Changes—Definition of Rural and Rural Area .....	0570-AA38

## Rural Business-Cooperative Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0570-AA23	Business and Industrial Guaranteed Loan Program—Miscellaneous Changes	02/28/2003	Withdrawn

**USDA**

**Rural Utilities Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
270	Telecommunications Standards and Specifications for Materials, Equipment, and Construction .....	0572-AB40
271	Servicing of Water Programs Loans and Grants .....	0572-AB59
272	Technical Assistance Grants .....	0572-AB75
273	Special Equipment Contract (Not Including Installation), RUS Form 398 .....	0572-AB76
274	Accounting Requirements for RUS Telecommunications Borrowers .....	0572-AB77
275	Launching Our Communities Access to Local Television Act of 2000 .....	0572-AB82
276	Guarantees for Bonds and Notes Issued for Electrification Purposes .....	0572-AB83

**Rural Utilities Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
277	Settlement of Debt .....	0572-AB61
278	Electric Program Standard Contract Forms .....	0572-AB67
279	Telecommunications Program Specification .....	0572-AB69
280	General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans .....	0572-AB72
281	Environmental Policies and Procedures .....	0572-AB73
282	Seismic Safety .....	0572-AB74
283	Extensions of Payments of Principal and Interest .....	0572-AB79
284	Useful Life of Facility Determination .....	0572-AB80

**Rural Utilities Service—Completed Actions**

Sequence Number	Title	Regulation Identification Number
285	Demand Side Management and Renewable Energy Systems .....	0572-AB65
286	Exemptions of RUS Operational Controls Under Section 306E of the RE Act .....	0572-AB68
287	Rural Broadband Access Loans and Loan Guarantees .....	0572-AB81

**Rural Utilities Service—Discontinued Entries**

Regulation Identification Number	Title	Date	Comments
0572-AB78	Record Retention Requirements for RUS Electric and Telecommunications Borrowers	03/20/2003	Withdrawn

**Natural Resources Conservation Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
288	Emergency Watershed Protection Program .....	0578-AA30
289	Conservation Security Program .....	0578-AA36
290	Grassland Reserve .....	0578-AA38

**Natural Resources Conservation Service—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
291	Wetland Categorical Minimal Effects Exemptions .....	0578-AA27

**USDA****Natural Resources Conservation Service—Final Rule Stage (Continued)**

Sequence Number	Title	Regulation Identification Number
292	Environmental Quality Incentives Program .....	0578-AA31
293	Agricultural Management Assistance Program .....	0578-AA32
294	Technical Service Provider Assistance .....	0578-AA35
295	Farm and Ranch Lands Protection Program .....	0578-AA37

**Natural Resources Conservation Service—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
296	Highly Erodible Land and Wetland Conservation .....	0578-AA17

**Natural Resources Conservation Service—Completed Actions**

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

**Natural Resources Conservation Service—Discontinued Entries**

Regulation Identification Number	Title	Date	Comments
0578-AA26	Forestry Incentives Program	04/30/2003	Withdrawn

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

Sequence Number	Title	Regulation Identification Number
298	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)****Proposed Rule Stage****1. 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
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**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**2. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICE OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS (DA-00-08)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621 to 1627

## USDA—AMS

## Proposed Rule Stage

**CFR Citation:** 7 CFR 58

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Duane R. Spomer, Associate Deputy Administrator for Standards and Grading, Department of Agriculture, Agricultural Marketing Service, Rm. 2746-South, Dairy Programs, P.O. Box 96456, Washington, DC 20090-6456  
Phone: 202 720-7473  
Fax: 202 720-2643  
Email: duane.spomer@usda.gov  
**RIN:** 0581-AB93

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

**Abstract:** AMS is revising the regulatory provisions for labeling agricultural products as organically produced and handled (7 CFR part 205). This rule will establish production standards for mushroom, apiculture, and greenhouse production systems and handling standards for apiculture products. Also, this action will incorporate the recommendations of the National Organic Standards Board (NOSB) finalized at its October 2001 meeting. In June 2001, the NOSB released and accepted public comments

on a draft version of mushroom and greenhouse standards. Concurrently, the NOSB implemented a task force to develop production and handling standards for apiculture.

**Timetable:**

Action	Date
NPRM	02/00/04

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

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

**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  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: richard.mathews@usda.gov

**RIN:** 0581-AB96

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

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

recordkeeping. Handling standards for such operations will address prevention of commingling of organically produced commodities and prevention of contact between organically produced and prohibited substances.

**Timetable:**

Action	Date
NPRM	02/00/04

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

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

**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-AB97

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

**Priority:** Other Significant

**Legal Authority:** 7 USC 1621

**CFR Citation:** 7 CFR 59

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State



## USDA—AMS

## Proposed Rule Stage

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

**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-AB98

### 6. MANGO PROMOTION, RESEARCH, AND INFORMATION ORDER (FV-01-707)

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 1206

**Legal Deadline:** None

**Abstract:** 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
NPRM	08/26/02 67 FR 54907
NPRM Comment Period End	10/25/02
Second NPRM	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0581-AC05

### 7. EXEMPTION OF ORGANIC PRODUCERS FROM RESEARCH AND PROMOTION/MARKETING ORDER ASSESSMENT (PY-02-002)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171, sec 10607

**CFR Citation:** 7 CFR 906; 7 CFR 916; 7 CFR 917; 7 CFR 927; 7 CFR 928; 7 CFR 929; 7 CFR 932; 7 CFR 955; 7 CFR 956; 7 CFR 958; 7 CFR 966; 7 CFR 981; 7 CFR 982; 7 CFR 984; 7 CFR 989; 7 CFR 1150; 7 CFR 1160; 7 CFR 1205; 7 CFR 1207; 7 CFR 1209; 7 CFR 1210; 7 CFR 1215; 7 CFR 1216; 7 CFR 1218; 7 CFR 1219; 7 CFR 1220; 7 CFR 1230; 7 CFR 1240; 7 CFR 1250; 7 CFR 1260; 7 CFR 1280; ...

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

**Abstract:** 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 amendment further provides that the Secretary amend any research and promotion regulations to reflect this exemption within 1 year. Therefore, the Department of Agriculture is proposing amendments to the research and promotion regulations and applicable marketing order programs for which it has oversight. The FAIR Act governs all research and promotion and 15 marketing order programs. Currently, there are 15 established research and promotion programs, with the additional program for Hass avocados in the final stages of rulemaking. The Hass avocado program should be fully implemented before this action is published.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**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

### 8. NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM (DA-02-03)

**Priority:** Other Significant

**Legal Authority:** 7 USC 4501 et seq

**CFR Citation:** 7 CFR 1150

**Legal Deadline:** NPRM, Statutory, March 2003, Proposed Rule necessary for industry input. Final, Statutory, July 2003, Final Rule to be issued after 60-day comment period.

**Abstract:** Recently enacted Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) amended the Dairy Production and Stabilization Act of 1983 (the authorizing legislation for the National Dairy Promotion and Research Program) concerning implementation of mandatory 15-cent per hundred weight assessment on dairy products imported into the 48 contiguous States and other related amendments.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David Jamison, Chief, Promotion and Research Branch, Department of Agriculture, Agricultural Marketing Service, Stop 0233, Dairy Programs, 1400 Independence Avenue SW, Washington, DC 20250-0233  
Phone: 202 720-6909  
Fax: 202 720-0285  
Email: david.jamison2@usda.gov

**RIN:** 0581-AC16

### 9. REMOVAL OF COTTONSEED CHEMIST LICENSING PROGRAM AND FEES (ST-02-03)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 96

**Legal Deadline:** None

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

## USDA—AMS

## Proposed Rule Stage

Cottonseed Chemist Licensing Program. The AMS budget office performed a budget analysis that indicated that even by economizing at every opportunity, the program will fail to maintain sufficient revenue.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**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 20250-0272  
Phone: 202 690-4089

Fax: 202 720-6496  
Email: james.falk@usda.gov

**RIN:** 0581-AC18**10. 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
NPRM	11/00/03

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

**RIN:** 0581-AC25
**Department of Agriculture (USDA)  
Agricultural Marketing Service (AMS)**

## Final Rule Stage

**11. FLUE-CURED TOBACCO ADVISORY COMMITTEE: AMENDMENT TO REGULATIONS (TB-02-14)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC (App.)  
Departmental Regulation 1042-52**CFR Citation:** 7 CFR 29**Legal Deadline:** None

**Abstract:** This action amends the Flue-cured Tobacco Advisory Committee regulations by removing the sections that reference composition and representation on the Committee. Removal of these regulations will eliminate lengthy rulemaking procedures and will allow the Committee to react more quickly to new marketing changes or shifts in the industry to maintain an orderly marketing system.

**Timetable:**

Action	Date
Interim Final Rule	10/01/02 67 FR 61467
Interim Final Rule Effective	10/02/02
Interim Final Rule Comment Period End	12/02/02
Final Action	06/00/03

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

**Agency Contact:** John P. Duncan III, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Ag Code 0280, Tobacco Programs, Room 502 Annex Bldg., P.O. Box 96456, Washington, DC 20090-6456  
Phone: 202 205-0567  
Fax: 202 205-0235  
Email: john.duncan3@usda.gov

**RIN:** 0581-AC11**12. 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
Interim Final Rule	06/00/03

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

**Agency Contact:** James L. Riva, Chief, Audit, Review, and Compliance Branch, Department of Agriculture, Agricultural Marketing Service, STOP 0252, Room 2627-South, USDA, AMS, LS, ARC Branch, 1400 Independence Avenue SW, Washington, DC 20250-2052  
Phone: 202 720-1124  
Fax: 202 690-3428  
Email: james.riva@usda.gov

**RIN:** 0581-AC12**13. VOLUNTARY FEDERAL MEAT GRADING AND CERTIFICATION SERVICES (LS-02-06)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1622 through 1624**CFR Citation:** 7 CFR 54**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is amending the fees for

## USDA—AMS

## Final Rule Stage

Voluntary Meat Grading and Certification services provided by the Meat Grading and Certification Branch. This rule would amend section 54.27 Charges for Service by replacing the published rates with the following rates accordingly: Commitment Basis \$55/hour, Noncommitment Basis \$64/hour, Premium Basis \$72/hour, and Holiday Basis \$110/hour. This amendment would allow the Branch to offset increased operating expenses and decreased revenue hours, and allow the Branch to maintain a 4-month operating reserve required by the Agency.

**Timetable:**

Action	Date
NPRM	11/01/02 67 FR 66576
NPRM Comment Period End	12/31/02
Final Action	05/00/03

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

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, Room 2628-South, Mail Stop 0248, L&S, Meat Grading Branch, 14th and Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-0343  
Fax: 202 690-4119  
Email: larry.meadows@usda.gov

**RIN:** 0581-AC13**14. USER FEES FOR 2003 CROP COTTON CLASSIFICATION SERVICES (CN-02-006)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 473a**CFR Citation:** 7 CFR 28**Legal Deadline:** Final, Statutory, June 1, 2003.

**Abstract:** This action would sustain the user fees for cotton producers for the 2003 crop cotton classification services under the Cotton Statistics and Estimates Act.

**Timetable:**

Action	Date
NPRM	03/31/03 68 FR 15385
NPRM Comment Period End	04/15/03
Final Action	06/00/03

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

**Agency Contact:** Norma Randall McDill, Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW, Room 2641-South, Washington, DC 20250  
Phone: 202 720-3193  
Fax: 202 690-1718  
Email: norma.mcdill@usda.gov

**RIN:** 0581-AC17**15. NATIONAL ORGANIC PROGRAM, AMENDMENT TO THE NATIONAL LIST OF ALLOWED AND PROHIBITED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6501 through 6522**CFR Citation:** 7 CFR 205**Legal Deadline:** None

**Abstract:** This action would add substances to the National List of Allowed and Prohibited Substances recommended by the National Organic Standards Board.

**Timetable:**

Action	Date
NPRM	04/16/03 68 FR 18556
NPRM Comment Period End	04/28/03
Final Action	06/00/03

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

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

**Agency Contact:** 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-AC19**16. PACA: COATING OR BATTERING FRUITS AND VEGETABLES DOES NOT ALTER THEIR CHARACTER (FV-02-369)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 499o**CFR Citation:** 7 CFR 46**Legal Deadline:** None

**Abstract:** On June 21, 2002, the Frozen Potato Products Institute petitioned the Agricultural Marketing Service to amend the definition of "fresh fruits and fresh vegetables" under the Perishable Agricultural Commodities Act. We have been asked to clarify our policy that coating, battering, or otherwise treating fruits and vegetables to maintain taste, color, and/or texture prior to or after cooking does not alter their character.

**Timetable:**

Action	Date
NPRM	12/16/02 67 FR 77002
NPRM Comment Period End	01/15/03
Final Action	05/00/03

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

**Agency Contact:** James R. Frazier, Chief, PACA Branch, Department of Agriculture, Agricultural Marketing Service, F&V, P.O. Box 96456, Washington, DC 20099-6546  
Phone: 202 720-4180  
Email: james\_r\_frazier@usda.gov

**RIN:** 0581-AC21

**Department of Agriculture (USDA)**  
**Agricultural Marketing Service (AMS)**
**Long-Term Actions**
**17. USDA "PRODUCED FROM"**  
**GRADEMARK FOR SHELL EGGS (PY-**  
**02-007)**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 56
**Timetable:**

Action	Date
NPRM	01/09/03 68 FR 1169
NPRM Comment Period End	03/10/03
Next Action Undetermined	

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

**Government Levels Affected:** None

**Agency Contact:** Rex A. Barnes

Phone: 202 720-3271

Fax: 202 690-3165

Email: rex.barnes@usda.gov

**RIN:** 0581-AC24

**Department of Agriculture (USDA)**  
**Agricultural Marketing Service (AMS)**
**Completed Actions**
**18. HASS AVOCADO PROMOTION,**  
**RESEARCH, AND INFORMATION**  
**ORDER (FV-01-705)**
**Priority:** Routine and Frequent

**CFR Citation:** 7 CFR 1219
**Completed:**

Reason	Date
Final Action	09/06/02 67 FR 56895
Final Action Effective	09/09/02

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

**Government Levels Affected:** None

**Agency Contact:** Margaret B. Irby

Phone: 202 720-9915

Fax: 202 205-2800

Email: margaret.irby@usda.gov

**RIN:** 0581-AB92

**19. COTTON FUTURES ACT:**  
**CHANGING THE DESTINATION OF**  
**SPOT MARKETS (CN-01-004)**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 27
**Completed:**

Reason	Date
Final Action	12/17/02 67 FR 77147

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

**Government Levels Affected:** None

**Agency Contact:** Norma Randall

McDill

Phone: 202 720-3193

Fax: 202 690-1718

Email: norma.mcdill@usda.gov

**RIN:** 0581-AC00

**20. VOLUNTARY EGG, POULTRY, AND**  
**RABBIT GRADING, INCREASE IN**  
**FEEES AND CHARGES (PY-02-002)**
**Priority:** Substantive, Nonsignificant

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

Reason	Date
Final Action	12/26/02 67 FR 78665
Final Action Effective	01/01/03

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

**Government Levels Affected:** None

**Agency Contact:** Rex A. Barnes

Phone: 202 720-3271

Fax: 202 690-3165

Email: rex.barnes@usda.gov

**RIN:** 0581-AC10

**21. TOBACCO INSPECTION:**  
**MANDATORY GRADING (TB-02-11)**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 29
**Completed:**

Reason	Date
Final Action	11/19/02 67 FR 69659

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

**Government Levels Affected:** None

**Agency Contact:** John P. Duncan

Phone: 202 205-0567

Fax: 202 205-0235

Email: john.duncan3@usda.gov

**RIN:** 0581-AC20

**22. PLANT VARIETY PROTECTION**  
**SERVICES (ST-02-01)**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 97
**Completed:**

Reason	Date
NPRM	10/01/02 67 FR 61545
Final Action	01/10/03 68 FR 1359
Final Action Effective	02/10/03

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

**Government Levels Affected:** None

**Agency Contact:** Fabian Q. Generao

Phone: 202 720-0195

Fax: 202 720-1631

**RIN:** 0581-AC22

**23. ESTABLISHMENT OF MINIMUM**  
**QUALITY AND HANDLING**  
**STANDARDS FOR DOMESTIC AND**  
**IMPORTED PEANUTS MARKETED IN**  
**THE U.S. AND TERMINATION OF THE**  
**PEANUT MARKETING AGREEMENT**  
**AND ASSOCIATED RULES AND**  
**REGULATIONS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 996; 7 CFR 997;  
 7 CFR 998; 7 CFR 999
**Completed:**

Reason	Date
Final Action	01/09/03 68 FR 1145
Final Action Effective	01/10/03

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

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

**Agency Contact:** Ronald L. Cioffi

Phone: 202 720-2491

Email: ronald.cioffi@usda.gov

**RIN:** 0581-AC23

**BILLING CODE 3410-02-S**

**Department of Agriculture (USDA)**  
**Farm Service Agency (FSA)**
**Proposed Rule Stage**
**24. SERVICING MINOR FARM LOAN PROGRAM LOANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1932 Note; 7 USC 1989; 16 USC 1005; 31 USC 3711

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

**Legal Deadline:** None

**Abstract:** The rule proposes to consolidate regulations currently shared by FSA and the agencies of the USDA Rural Development mission area and publish a single Farm Service Agency regulation. The existence of provisions governing these loans in scattered regulations make proper administration difficult. Information not specific to the Minor Programs will be eliminated, language will be improved for readability, and only regulations pertaining to the FSA Minor Programs will be included. FSA's minor loan program borrowers, a total of 52 Irrigation and Drainage Loan borrowers and 88 Grazing and Land Shift Loan borrowers, with a total outstanding balance of around \$20 million, are the only program participants who will be affected by this proposed rule. When finalized, the rule will not change the requirements or the effect of the regulations pertaining to FSA Minor Program Loans. The consolidation of the regulations will enable more efficient use by FSA staff who administer the programs and better service to the customers with these loans. There will be no additional outlays of Federal funds, no additional staffing and no additional paperwork burden.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 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-AG67

**25. 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
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

**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-AG81

**26. • REVISION OF INDIAN TRIBAL LAND ACQUISITION PROGRAM LOAN REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 25 USC 490

**CFR Citation:** 7 CFR 770

**Legal Deadline:** None

**Abstract:** Indian Tribal Land Acquisition Program eligibility requirements will be revised to add that a Tribe is not eligible for a new loan if they have had a write-down within the preceding 5 years.

Indian Tribal Land Acquisition Program Rental Value Write-Down regulations will be revised for clarification and correction:

1. The definition of "rental value" will be added for clarification.
2. The requirement for a current appraisal will be removed and replaced with the requirement for a current market rent study report.
3. Land Value Write-down and Rental Value Write-down regulations will be revised to replace "each" loan with "all" loans/borrower concerning previous write-downs.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** 1129 Other Animal Production

**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-AG87

## USDA—FSA

## Proposed Rule Stage

**27. • PROVIDING FARM LOANS IN A NATIONAL SECURITY EMERGENCY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480; 50 USC app 2061; EO 12656**CFR Citation:** 7 CFR 763; 7 CFR 775**Legal Deadline:** None

**Abstract:** The Farm Service Agency (FSA) is promulgating regulations to implement part 3, section 301, paragraph (7), Executive Order 12656. In this Executive order, the President directed the Secretary of Agriculture to continue to provide the nation's farmers with production resources in the event of a national security emergency. In response, USDA designated FSA as the responsible Agency for emergency credit. This work plan is to implement FSA regulations. FSA has determined it necessary to adequately respond in the event of national security emergencies and provide emergency credit to agriculture producers. A national security emergency of significant magnitude could cause commercial credit providers to be unable to serve the needs of agriculture to the extent that will ensure the nation a continued adequate supply of food and fiber.

**Timetable:**

Action	Date
NPRM	08/00/03
Final Action	02/00/04

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** 111 Crop Production**URL For More Information:**<http://usda.fsa.gov>**Agency Contact:** Phillip Elder, Agricultural Economist, Department of Agriculture, Farm Service Agency, MS 0572, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 690-8104

Fax: 202 720-5233

Email: [phillip\\_elder@wdc.usda.gov](mailto:phillip_elder@wdc.usda.gov)**RIN:** 0560-AG89**28. • 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 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
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**URL For More Information:**<http://www.usda.fsa.gov>**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](mailto:tom_witzig@wdc.fsa.usda.gov)**RIN:** 0560-AG90**Department of Agriculture (USDA)  
Farm Service Agency (FSA)****Final Rule Stage****29. 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
NPRM	01/09/03 68 FR 1170
NPRM Comment Period End	03/10/03
Final Action	11/00/03

**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,

## USDA—FSA

## Final Rule Stage

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-AG50

**30. • CLARIFICATION OF INFORMAL APPEALS PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 15 USC 714b; 15 USC 714c; 16 USC 590h

**CFR Citation:** 7 CFR 780

**Legal Deadline:** None

**Abstract:** This action will amend the general administrative regulations and rules for informal agency appeals, including use of mediation or reconsideration by decision-makers, during the informal appeals process. The goal of the amended regulations will be to furnish additional detail in published regulations regarding procedures for program participant appeals of adverse decisions made by the FSA, CCC, and, as applicable, certain determinations of NRCS, and to clarify in the regulations the policies and procedures currently operating during appeals and mediations of adverse program decisions.

**Timetable:**

Action	Date
Final Action	07/00/03

**Regulatory Flexibility Analysis Required:** 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-AG88

**31. • 2003-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO**

**Priority:** Other Significant

**Legal Authority:** 7 USC 1312; 7 USC 1445

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

**Legal Deadline:** None

**Abstract:** The burley tobacco marketing quota and price support are required by statute. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are considered sufficient for producers. The national quota is based on cigarette manufacturers' intentions, 3-year average exports, a loan stocks adjustment, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that averages market prices (two-thirds weight) and a cost index (one-third weight), plus discretion to limit any increase to 65 percent of the formula increase. Producers approved the program in a referendum for this kind of tobacco held in February 2001.

**Timetable:**

Action	Date
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** 11191 Tobacco Farming

**URL For Public Comments:** TOB\_Comments@wdc.usda.gov

**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-AG93

**32. • 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.

**Legal Authority:** sec 202, 203(b) and 208, division N, PL 108-7; sec 763 and 767, division A, PL 108-7

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

**Legal Deadline:** None

**Abstract:** This rule implements portions of title II of the Consolidated Appropriations Act, 2003 and the Agricultural Assistance Act of 2003. It amends the regulations to provide crop-loss disaster assistance for producers who suffered 2001- or 2002-crop losses, establish a Livestock Assistance Program, and provide payments to sugar beet producers because of the results of adverse weather or other specified conditions. It also implements provisions of Division A of the Act requiring that the commodities crambe and sesame seed be included as oilseeds eligible for CCC direct and counter-cyclical payments and marketing assistance loans. Outlays are estimated as follows: Crop disaster: \$2.15 billion; LAP: \$250 million; sugar beets: \$60 million.

**Timetable:**

Action	Date
Final Action	06/00/03

**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  
 Phone: 202 205-5851  
 Fax: 202 720-5233  
 Email: tom\_witzig@wdc.fsa.usda.gov  
 RIN: 0560-AG95

**33. • COTTONSEED PAYMENT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 206, division N, PL 108-7

**CFR Citation:** 7 CFR 1427

**Legal Deadline:** None

**Abstract:** This rule implements the 2002-crop Cottonseed Payment Program authorized by section 206 of the Agricultural Assistance Act of 2003. Section 206 requires the Secretary to use \$50 million of Commodity Credit Corporation funds to provide assistance to producers and first-handlers of the 2002 crop of cottonseed who suffered

## USDA—FSA

## Final Rule Stage

financially as a result of unfavorable growing conditions in 2002.

**Timetable:**

Action	Date
Final Action	06/00/03

**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

Fax: 202 720-5233

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

**RIN:** 0560-AG97

### 34. ● HURRICANE ASSISTANCE FOR SUGARCANE PRODUCERS AND PROCESSORS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 207, division N, PL 108-7

**CFR Citation:** 7 CFR 1435

**Legal Deadline:** None

**Abstract:** This rule will provide for hurricane assistance to sugarcane producers and processors authorized by the Agricultural Assistance Act of 2003. Section 205 of that Act requires the Secretary to make available to first processors assistance in the form of payments or cane sugar in the inventory of the Commodity Credit Corporation (CCC), to partially compensate producers and first processors for crop and other losses that are related to a qualifying natural disaster declaration. Assistance shall be shared by first processors with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers. The Secretary must use 150,000 tons of cane

sugar in CCC inventory, make payments in an aggregate amount equal to the market value of 150,000 tons of such sugar, or use a combination of payments or sugar with a total market value of 150,000 tons of such sugar. The expected cost is \$60 million.

**Timetable:**

Action	Date
Final Action	06/00/03

**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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG98

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

## Long-Term Actions

### 35. AMENDMENTS TO THE STANDARDS FOR APPROVAL OF WAREHOUSE FOR COMMODITY CREDIT CORPORATION STORAGE CONTRACTS

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AE50

### 36. 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

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AE54

### 37. 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
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AF22

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

**Priority:** Other Significant

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



## USDA—FSA

## Long-Term Actions

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AF60

**39. EMERGENCY CONSERVATION PROGRAM**

Priority: Other Significant

CFR Citation: 7 CFR 701

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG26

**40. INTEREST ASSISTANCE PROGRAM**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 762

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG46

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

Priority: Substantive, Nonsignificant

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG49

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

Priority: Other Significant

CFR Citation: 7 CFR 723

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG52

**43. 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
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG53

**44. PROMPT DISASTER SET-ASIDE CONSIDERATION AND PRIMARY LOAN SERVICING**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1951

**Timetable:**

Action	Date
NPRM	06/20/02 67 FR 41869
NPRM Comment Period End	08/19/02
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG56

**45. 2002-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO**

Priority: Other Significant

CFR Citation: 7 CFR 723; 7 CFR 1464

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG58

**46. 2002-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO**

Priority: Other Significant

CFR Citation: 7 CFR 723; 7 CFR 1464

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG59

## USDA—FSA

## Long-Term Actions

**47. 2002-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**CFR Citation:** 7 CFR 723; 7 CFR 1464**Timetable:**

Action	Date
Final Action	To Be Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG60**48. PRODUCER DISQUALIFICATION FOR CROP INSURANCE FRAUD****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1405**Timetable:**

Action	Date
NPRM	09/12/02 67 FR 57759
NPRM Comment Period End	11/12/02
Final Action	To Be Determined

**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-AG70**49. 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
Notice of Availability of Draft Environmental Impact Statement	09/06/02 67 FR 56979
Comment Period End	10/21/02
Interim Final Rule	To Be Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG74**50. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS****Priority:** Other Significant**CFR Citation:** 7 CFR 1439**Timetable:**

Action	Date
Final Action	To Be Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG76**51. 2002 FARM BILL REGULATIONS—TREE ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 783**Timetable:**

Action	Date
Final Action	To Be Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG83**52. 2002 FARM BILL REGULATIONS—BIOENERGY PROGRAM****Priority:** Other Significant**CFR Citation:** 7 CFR 1424**Timetable:**

Action	Date
NPRM	10/01/02 67 FR 61565
NPRM Comment Period End	10/31/02
Final Action	To Be Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG84**53. 2002 FARM BILL REGULATIONS—INCOME LIMITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1400**Timetable:**

Action	Date
NPRM	10/28/02 67 FR 65738
NPRM Comment Period End	11/27/02
Final Action	To Be Determined

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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG86**54. • 2003-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Priority:** Other Significant**Legal Authority:** 7 USC 1314; 7 USC 1445**CFR Citation:** 7 CFR 723; 7 CFR 1464**Legal Deadline:** None

**Abstract:** The flue-cured tobacco marketing quota and price support are required by statute. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are considered sufficient for producers. The national quota is based on cigarette manufacturers' intentions, 3-year average exports, a loan stocks adjustment, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that averages market prices (2/3 weight) and a cost index (1/3 weight), plus discretion to limit any increase to 65 percent of the formula increase. Growers approved the program in a referendum in January 2001.

**Timetable:**

Action	Date
Final Action	To Be Determined

## USDA—FSA

## Long-Term Actions

**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

Phone: 202 205-5851

Fax: 202 720-5233

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

**RIN:** 0560-AG91**55. • 2003-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO****Priority:** Other Significant**Legal Authority:** 7 USC 1312; 7 USC 1445**CFR Citation:** 7 CFR 1464**Legal Deadline:** None**Abstract:** Marketing quotas/acreage allotments and price support are required by statute for these kinds of tobacco: Fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar filler and binder (types 42-44 and 53-55). Quotas and allotments are determined by statutory formula to balance supply with demand to assure stable supplies for domestic and export use. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 2002 crops of fire-cured (types 21-23), dark air-cured (types 35-36) and sun-cured (type 37) in March 2001. Cigar filler and binder (types 42-44 and 53-55) were approved in March 1999. Price support levels are set by statutory

formula. The Secretary may reduce the level at the request of producer associations, and may limit increases to 65 percent of the formula increase.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

TOB\_comments@wdc.usda.gov

**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-AG92**56. • CROP INSURANCE LINKAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1508**CFR Citation:** 7 CFR 1405**Legal Deadline:** None**Abstract:** The Agency is amending its regulations at 7 CFR part 1405 to remove obsolete requirements that crop insurance be obtained in order to be eligible for USDA benefits under some programs. Section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)) provided that in order to be eligible for payments under the Agricultural Market Transition Act (7 U.S.C. 7201 note) (AMTA) the producer must obtain at least the catastrophic level of insurance for each crop of economic significance in which the producer has an interest or provide a written waiver to the Secretary that

waives any eligibility for emergency crop loss assistance in connection with the crop, if insurance is available in the county for the crop. The AMTA programs, which included production flexibility contracts for wheat, feed grains, and upland cotton, 1996-through 2002-crop loans and loan deficiency payments for grains and similarly handled commodities and cotton, and the Sugar and Peanut Programs, ended September 30, 2002. The regulations for those programs were contained at 7 CFR parts 1412, 1421, 1427, 1435, 1443, and 1446 and were replaced by regulations for new programs under the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 note) (the 2002 Act). The 2002 Act did not include the requirement that producers obtain crop insurance in order to receive payments under the new programs and the Agency is therefore removing references to those parts from 7 CFR part 1405. The crop insurance requirements for the Conservation Reserve Program and the Tobacco Program contained in 7 CFR part 1405, will remain.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom Witzig, Chief, Regulatory Review and Foreign Investment Disclosure Branch, Department of Agriculture, Farm Service Agency, 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-AG94**Department of Agriculture (USDA)  
Farm Service Agency (FSA)****Completed Actions****57. AMENDMENT TO THE REGULATIONS FOR DETERMINING ACREAGE FOR SKIP-ROW COTTON****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 718.107**Completed:**

Reason	Date
Final Rule	12/03/02 67 FR 71797

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

Phone: 202 205-5851

Fax: 202 720-5233

## USDA—FSA

## Completed Actions

Email: tom\_witzig@wdc.fsa.usda.gov  
 RIN: 0560-AG55

**58. 2002 FARM BILL REGULATIONS—  
 DIRECT AND COUNTER-CYCLICAL  
 PAYMENTS, PEANUT QUOTA  
 BUYOUT, AND HARD WHITE WHEAT  
 INCENTIVE PAYMENT PROGRAM**

**Priority:** Economically Significant

**CFR Citation:** 7 CFR 1412

**Completed:**

Reason	Date
Final Action: Peanut Quota Buyout	10/01/02 67 FR 61470
Final Action: Direct and Counter-Cyclical Program	10/21/02 67 FR 64748
Final Action: Hard White Wheat Incentive Payment Program	02/03/03 68 FR 5205

**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-AG71

**59. 2002 FARM BILL REGULATIONS—  
 GENERAL CREDIT PROVISIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 762; 7 CFR 764;  
 7 CFR 774; 7 CFR 1924; 7 CFR 1943;  
 7 CFR 1951; 7 CFR 1955; 7 CFR 1956;  
 7 CFR 1962; 7 CFR 1065

**Completed:**

Reason	Date
Final Action	02/18/03 68 FR 7693

**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-AG78

**60. 2002 FARM BILL REGULATIONS—  
 ACREAGE REPORTING AND  
 COMMON PROVISIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 718

**Completed:**

Reason	Date
Final Action	04/03/03 68 FR 16170

**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-AG79

**61. 2002 FARM BILL REGULATIONS—  
 EQUITABLE RELIEF**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 718

**Completed:**

Reason	Date
Final Action	10/31/02 67 FR 66304

**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-AG80

**62. • TOBACCO PAYMENT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** sec 205, division N,  
 PL 108-7

**CFR Citation:** 7 CFR 1464

**Legal Deadline:** Other, Statutory, June 1, 2003, Deadline for payments.

**Abstract:** This rule implements the Tobacco Payment Program authorized by the Agricultural Assistance Act of 2003. Section 205 of that Act requires the Commodity Credit Corporation to provide assistance to producers of tobacco. This rule is intended to implement this legislative mandate and assist producers who suffered financially as a result of unfavorable market and growing conditions in 2002. All farms with an established 2002 acreage allotment or marketing quota are eligible for payment. Eligible persons include owners of the land with an established 2002 acreage allotment or marketing quota and farmers. This rule promulgates regulations governing how producer eligibility will be determined and how payments will be determined and distributed. The expected cost is \$55 million.

**Timetable:**

Action	Date
Final Action	04/17/03 68 FR 18833

**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

Phone: 202 205-5851

Fax: 202 720-5233

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

RIN: 0560-AG96

BILLING CODE 3410-05-S

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

Proposed Rule Stage

**63. IMPORTATION OF UNMANUFACTURED WOOD ARTICLES; SOLID WOOD PACKING MATERIAL**

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

**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:** APHIS is undertaking rulemaking to strengthen restrictions on the importation of solid wood packing material (e.g., crates, dunnage, wooden spools, pallets, packing blocks) into the United States. Imported solid wood packing material (SWPM) has been linked to introductions of exotic plant pests, such as the pine shoot beetle and the Asian longhorned beetle. These and other plant pests that could be carried by imported SWPM pose a serious threat to U.S. agriculture and to natural, cultivated, and urban forests. SWPM accompanies nearly all types of imported commodities, from fruits and vegetables to machinery and electrical equipment.

**Timetable:**

Action	Date
ANPRM	01/20/99 64 FR 3049
ANPRM Comment Period End	03/22/99
Notice	07/07/99 64 FR 36608
Comment Period End	09/07/99
Notice	10/17/00 65 FR 61301
NPRM	01/00/04
NPRM Comment Period End	03/00/04

**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:** Raymond Nosbaum, Senior Regulatory Coordinator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 131, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-6280

RIN: 0579-AA99

**64. PLUM POX COMPENSATION**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 301.74-5

**Legal Deadline:** None

**Abstract:** This rule 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. APHIS anticipates publishing a proposed rule to address plum pox compensation issues that have arisen since the close of the interim rule's comment period.

**Timetable:**

Action	Date
Interim Final Rule	09/14/00 65 FR 55431
Interim Final Rule Comment Period End	11/13/00
NPRM	08/00/03

**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:** 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

**65. VETERINARY DIAGNOSTIC USER FEES—5-YEAR PLAN FOR FEES (SECTION 610 REVIEW)**

**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
NPRM	05/00/03

**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

**66. 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

## USDA—APHIS

## Proposed Rule Stage

developed with regard to the housing and care of marine mammals. We intend to develop amendments to the marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. The amendments would be to standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphins programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

**Timetable:**

Action	Date
ANPRM	05/30/02 67 FR 37731
ANPRM Comment Period End	07/29/02
NPRM	12/00/03

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

**Abstract:** This rule would establish minimum requirements for the interstate movement of farmed elk and deer and provide indemnity for the depopulation of farmed elk and deer

that have been infected with, or exposed to, chronic wasting disease (CWD).

**Timetable:**

Action	Date
Interim Final Rule	02/08/02 67 FR 5925
Interim Final Rule Comment Period End	04/09/02
NPRM	08/00/03

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

Undetermined

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

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

**RIN:** 0579-AB35**68. 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
Interim Final Rule	05/01/02 67 FR 21561
Interim Final Rule Comment Period End	07/01/02
NPRM	10/00/03

**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:** 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

**Related RIN:** Related To 0579-AA83**RIN:** 0579-AB45**69. 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

## USDA—APHIS

## Proposed Rule Stage

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
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** Yes**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:** Raymond Nosbaum, Senior Regulatory Coordinator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 131, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-6280

RIN: 0579-AB48

**70. • 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
NPRM	05/00/03
NPRM Comment Period End	07/00/03

**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, Director, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 116, 4700 River Road, Riverdale, MD 20737-1237

Phone: 301 734-5136

RIN: 0579-AB50

**71. • 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.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**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, Des Moines, IO 50309  
Phone: 515 284-4122

RIN: 0579-AB52

**72. • 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
NPRM	06/00/03
NPRM Comment Period End	08/00/03

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

**Additional Information:** APHIS documents published in the Federal

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Proposed Rule Stage

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

**73. • 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
NPRM	08/00/03

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**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:** Raymond Nosbaum, Senior Regulatory Coordinator, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 131, 4700 River Road, Riverdale, MD 20737-1231  
Phone: 301 734-6280

**RIN:** 0579-AB54

**74. • GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (SECTION 610 REVIEW)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to 7754; 7 USC 7760; 21 USC 136 to 136a

**CFR Citation:** 7 CFR 301; 7 CFR 319

**Legal Deadline:** None

**Abstract:** This rule would amend the gypsy moth regulations by removing restrictions on the interstate movement

of wood chips, which do not pose a risk of containing gypsy moth egg masses, and by adding restrictions on the movement of bark (mulch), which poses a risk of containing gypsy moth egg masses. In addition, the rule would extend by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by the Animal and Plant Health Inspection Service, our cooperators, and industry in order to limit the artificial spread of gypsy moth.

**Timetable:**

Action	Date
NPRM	05/00/03

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

**RIN:** 0579-AB55

Department of Agriculture (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

**75. ANIMAL WELFARE; INSPECTION, LICENSING, AND PROCUREMENT OF ANIMALS (SECTION 610 REVIEW)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 1 to 2

**Legal Deadline:** None

**Abstract:** This action would make several amendments to the Animal Welfare Act regulations to clarify them

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

**Timetable:**

Action	Date
NPRM	08/04/00 65 FR 47908

Action	Date
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	10/00/03

**Regulatory Flexibility Analysis Required:** No



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## Final Rule Stage

**Government Levels Affected:**

Undetermined

**Additional Information:** APHIS

documents published in the Federal Register and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at

<http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**Agency Contact:** 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

**76. 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 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
NPRM	06/11/99 64 FR 31512
NPRM Comment Period End	08/10/99
Final Action	05/00/03

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

Phone: 301 734-6799

RIN: 0579-AB02

**77. PSEUDORABIES IN SWINE; PAYMENT OF INDEMNITY****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317**CFR Citation:** 9 CFR 52**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	01/12/99 64 FR 2545
Interim Final Rule Comment Period End	04/16/99
Interim Final Rule	04/18/00 65 FR 20706
Interim Final Rule Comment Period End	06/19/00
Affirmation of Interim Rules	08/00/03

**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. Adam G. Grow, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 43, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-3752

RIN: 0579-AB10

**78. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES****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 319.56 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
NPRM	08/29/01 66 FR 45637
NPRM Comment Period End	10/29/01
Final Action	11/00/03

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

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## Final Rule Stage

**79. BEES AND RELATED ARTICLES (SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 7 USC 166; 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 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
NPRM	08/19/02 67 FR 53844
NPRM Comment Period End	11/18/02
Final Action	01/00/04

**Regulatory Flexibility Analysis****Required:** Yes**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. 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**80. NURSERY STOCK REGULATIONS (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**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 300; 7 CFR 319**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	12/28/01 66 FR 67123
NPRM Comment Period End	02/26/02
Final Action	07/00/03

**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:** William Thomas, 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-AB23**81. SALMONELLA ENTERITIDIS PHAGE-TYPE 4; REMOVE IMPORT RESTRICTIONS AND SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS; REMOVE REGULATIONS****Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7751; 7 USC 7754; 7 USC 8301 to 8316; 21 USC 136 to 136a; 31 USC 9701; 42 USC 4331 to 4332**CFR Citation:** 9 CFR 71; 9 CFR 82; 9 CFR 94**Legal Deadline:** None

**Abstract:** This rule would amend the regulations to remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where Salmonella enteritidis phage-type 4 exists. Previously, Salmonella enteritidis phage-type 4 had not been isolated in the United States; therefore, those import restrictions were necessary to help prevent Salmonella enteritidis phage-type 4 from being introduced into this country. However, Salmonella enteritidis phage-type 4 is now known to be present in the United States. This action would eliminate restrictions on the importation of eggs from regions where Salmonella enteritidis phage-type 4 exists. This rule would also remove our domestic regulations regarding poultry disease caused by Salmonella enteritidis serotype enteritidis. These regulations are no longer enforced.

**Timetable:**

Action	Date
NPRM	12/16/02 67 FR 77004
NPRM Comment Period End	02/14/03
Final Action	05/00/03

**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. Michael David, Asst. Director, Sanitary International

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## Final Rule Stage

Standards Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 33, 4700 River Road, Riverdale, MD 20737  
Phone: 301 734-8093

**RIN:** 0579-AB31

### 82. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 53

**Legal Deadline:** None

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

#### Timetable:

Action	Date
NPRM	05/01/02 67 FR 21934
NPRM Comment Period Extended	06/28/02 67 FR 43566
NPRM Comment Period End	07/01/02
NPRM Comment Period End	07/31/02
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** Yes

**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. Mark Teachman, Senior Staff Veterinarian, Emergency Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 41, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-8073

**RIN:** 0579-AB34

### 83. 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
Interim Final Rule	04/11/02 67 FR 17605
Interim Final Rule Comment Period End	06/10/02
Affirmation of Interim Final Rule	07/00/03

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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

**Agency Contact:** Dr. 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

### 84. ANIMAL WELFARE; POLICY ON TRAINING AND HANDLING OF POTENTIALLY DANGEROUS ANIMALS

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 3

**Legal Deadline:** None

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

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

#### Timetable:

Action	Date
Draft Policy Statement	02/18/00 65 FR 8318
Comment Period End	04/18/00
Final Policy Statement	05/00/03

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

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

**RIN:** 0579-AB39

## USDA—APHIS

## Final Rule Stage

**85. BRUCELLOSIS IN SHEEP, GOATS, AND HORSES; PAYMENT OF INDEMNITY (SECTION 610 REVIEW)****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
NPRM	09/13/01 66 FR 47593
NPRM Comment Period End	11/13/01
Final Action	07/00/03

**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**86. LOW PATHOGENIC AVIAN INFLUENZA; PAYMENT OF INDEMNITY****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317**CFR Citation:** 9 CFR 53**Legal Deadline:** None

**Abstract:** We are amending our general indemnity regulations to allow the Department to pay indemnity to contract growers and owners for poultry destroyed because of low pathogenic avian influenza associated with disease situations in Virginia and Texas. The Department will pay all eligible losses of contract growers and up to 75 percent of eligible losses of owners, minus any amount paid to the contract grower of a flock.

**Timetable:**

Action	Date
Interim Final Rule	11/04/02 67 FR 67089
Interim Final Rule Comment Period End	12/04/02
Interim Final Rule Effective	12/09/02
Final Action	07/00/03

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

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

**Agency Contact:** Dr. Cheryl Hall, Staff Veterinarian, Planning, Certification, and Monitoring Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Unit 46, 4700 River Road, Riverdale, MD 20737-1231

Phone: 301 734-4924

**RIN:** 0579-AB46**87. ● 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

**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
Determination to Regulate	10/00/03
Determination to Regulate Effective	04/00/04

**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, 4700 River Road, Riverdale, MD 20737-1236  
Phone: 301 734-7586

**RIN:** 0579-AB51

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

**Long-Term Actions**

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 330

**Timetable:**

Action	Date
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

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

**Priority:** Other Significant

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

**Timetable:**

Action	Date
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

**90. BLOOD AND TISSUE COLLECTION  
 AT SLAUGHTERING  
 ESTABLISHMENTS**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 71

**Timetable:**

Action	Date
NPRM	11/27/02 67 FR 70864
NPRM Comment Period End	01/27/03
NPRM Comment Period Extended	03/28/03 68 FR 3826

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Diane Sutton  
 Phone: 301 734-4363

**RIN:** 0579-AB13

**91. 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
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

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

**Timetable:**

Action	Date
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:** Joseph Van Tiem  
 Phone: 301 734-7716

**RIN:** 0579-AB29

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 94

**Timetable:**

Action	Date
NPRM	02/18/03 68 FR 7722

**Action**  
 NPRM Comment 04/21/03  
 Period End

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Karen A. James-  
 Preston  
 Phone: 301 734-8364

**RIN:** 0579-AB38

**94. 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
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

**95. AMEND REGULATIONS TO  
 HARMONIZE OUR IMPORT  
 REQUIREMENTS WITH PROPOSED  
 NATIONAL TUBERCULOSIS  
 ERADICATION PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 93

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**  
 Undetermined

**Agency Contact:** S. Anne Goodman  
 Phone: 301 734-4929

**RIN:** 0579-AB44

USDA—APHIS

Long-Term Actions

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 331; 9 CFR 121

**Timetable:**

Action	Date
Interim Final Rule	08/12/02 67 FR 52383
Interim Final Rule Effective	08/12/02
Interim Final Rule Comment Period End	10/11/02
Second Interim Final Rule	12/13/02 67 FR 76908
Second Interim Final Rule Effective	02/11/03
Second Interim Final Rule Comment Period End	02/11/03
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** State, Federal

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

Denise Spencer

Phone: 301 734-3277

**RIN:** 0579-AB47

**97. ● FLAG SMUT IMPORT PROHIBITIONS ON WHEAT AND RELATED PRODUCTS**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7711 to 7714; 7 USC 7718; 7 USC 7731 to 7732; 7 USC 7751 to 7754; 7 USC 7760; 21 USC 136 to 136a

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** We are soliciting public comment on whether and how we should amend the regulations regarding the importation of wheat and related items. Under these regulations, importation of wheat and related items from a number of countries and localities is currently prohibited to prevent the introduction of foreign strains of flag smut into the United States. We are considering easing restrictions on the importation of wheat and related articles from these countries and localities based on a recent risk assessment. After evaluating public comment on the issues presented in this document, we will

determine whether to propose changes to our regulations.

**Timetable:**

Action	Date
ANPRM	02/07/03 68 FR 6362
ANPRM Comment Period End	04/08/03
Next Action	Undetermined

**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:** Jeanne Van Dersal, Import Specialist, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737-1236  
Phone: 301 734-6653

**RIN:** 0579-AB49

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

Completed Actions

**98. PHYTOSANITARY TREATMENT BY IRRADIATION OF IMPORTED FRESH FRUITS AND VEGETABLES**

**Priority:** Other Significant

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

**Completed:**

Reason	Date
Final Action	10/23/02 67 FR 65016
Final Action Effective	10/23/02

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Inder Paul Gadh  
Phone: 301 734-5210

**RIN:** 0579-AA97

**99. ESTABLISHMENT OF REGIONS IN THE EUROPEAN UNION FOR CLASSICAL SWINE FEVER AND SWINE VESICULAR DISEASE**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 92; 9 CFR 94; 9 CFR 98

**Completed:**

Reason	Date
Final Action	04/07/03 68 FR 16922
Final Action Effective	04/07/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** S. Anne Goodman  
Phone: 301 734-4929

**RIN:** 0579-AB03

**100. PAYMENTS FOR CATTLE AND OTHER PROPERTY BECAUSE OF TUBERCULOSIS**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

**Completed:**

Reason	Date
Final Action	03/05/03 68 FR 10361
Final Action Effective	04/04/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph Van Tiem  
Phone: 301 734-7716

**RIN:** 0579-AB36

BILLING CODE 3410-34-S

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

**Proposed Rule Stage**

**101. 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
NPRM	05/00/03
Final Action	09/00/03

**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

**102. 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
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

**103. 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
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

**104. 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
NPRM	09/00/03
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 3410-09-S**

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

Proposed Rule Stage

**105. NATIONAL FLOOD INSURANCE REGULATIONS**
**Priority:** Other Significant**Legal Authority:** 7 USC 1989; 42 USC 1480; 42 USC 4012a; 42 USC 4104b; 42 USC 4106; 42 USC 4128; PL 91-152; PL 93-234; PL 103-325; ...**CFR Citation:** 7 CFR 1926, subpart B; 7 CFR 1806, subpart B**Legal Deadline:** None**Abstract:** The Agency is rewriting its regulations to conform to the requirements of the National Flood Insurance Reform Act of 1994 (NFIRA).**Timetable:**

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Baxter Hill, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, Room 6900/Stop 0761, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1499**RIN:** 0575-AC07
**106. 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
NPRM	12/00/03
NPRM Comment Period End	02/00/04

**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
**107. MULTI-FAMILY HOUSING (MFH) REINVENTION**
**Priority:** Other Significant**Legal Authority:** 5 USC 301; 42 USC 1490a; 7 USC 1989; 42 USC 1475; 42 USC 1479; 42 USC 1480; 42 USC 1481; 42 USC 1484; 42 USC 1485; 42 USC 1486**CFR Citation:** 7 CFR 1806 subpart A; 7 CFR 1955 subpart B; 7 CFR 1955 subpart C; 7 CFR 1956 subpart B; 7 CFR 1965 subpart B; 7 CFR 1965 subpart E; 7 CFR 1930 subpart C; 7 CFR 1944 subpart D; 7 CFR 1944 subpart E; 7 CFR 1951 subpart C; 7 CFR 1951 subpart D; 7 CFR 1951 subpart K; 7 CFR 1951 subpart N; 7 CFR 1955 subpart A**Legal Deadline:** None**Abstract:** The Rural Housing Service (RHS) proposes to consolidate regulations pertaining to section 515 Rural Rental Housing, section 514 Farm Labor Housing Loans, section 516 Farm Labor Housing Grants, and section 521 Rental Assistance Payments. Fourteen published regulations will be reduced to one regulation and handbooks for program administration. This will simplify loan origination and portfolio management for applicants, borrowers, and housing operators, as well as Rural Development field staff. This will also provide flexibility for program modifications to reflect current and foreseeable changes. It will also reduce regulations that address solely internal Agency program administration. Finally, the regulation will be more customer friendly and responsive to the needs of the public.**Timetable:**

Action	Date
NPRM	08/00/03
NPRM Comment Period End	10/00/03

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patrick Sheridan, Assistant Deputy Administrator, Multi-Family Housing, Department of Agriculture, Rural Housing Service, Room 1263/Stop 0782, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1609  
Email: patrick.sheridan@usda.gov**RIN:** 0575-AC13
**108. 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
NPRM	08/00/03
NPRM Comment Period End	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael M. Feinberg, Acting Director, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, Stop 0783, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474**RIN:** 0575-AC20



## USDA—RHS

## Proposed Rule Stage

**109. 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
NPRM	06/00/03
NPRM Comment Period End	08/00/03

**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**110. 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
NPRM	08/00/03
NPRM Comment Period End	10/00/03

**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 20250-0781  
Phone: 202 720-1627  
Fax: 202 690-3444  
Email: douglas.macdowell@usda.gov

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

## Final Rule Stage

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

**Abstract:** The objective of this action is to replace the existing environmental regulation and to implement changes to streamline the environmental process for the Rural Housing Service (RHS) and the Rural Business-Cooperative Service (RBS); to include changes necessitated by amendments to various environmental laws, Executive orders, and regulations applicable to the two agencies; to clarify wording; to correct inconsistencies; and where applicable, to delete obsolete material and update references in other program regulations. This revision represents an important contribution to the Department's efforts to streamline its operations and realize more efficient use of staff time. There

are a number of Federal environmental statutes which govern the management of hazardous substances, materials, and wastes. At the present time, RHS and RBS do not have implementing regulations for these Federal statutes. The development of implementation procedures for managing hazardous substances is necessary to insure consistency in compliance with Federal, as well as State, environmental statutes; to develop appropriate "due diligence" policies to ensure that the market value of real estate being considered as security for financial assistance adequately reflects potential contamination from hazardous waste; and to minimize the Agencies' liability with regard to environmental cleanups of hazardous waste in loan processing/servicing and property management activities.

**Timetable:**

Action	Date
NPRM	09/14/00 65 FR 55784

Action	Date
NPRM Comment Period End	11/13/00
Final Action	01/00/04

**Regulatory Flexibility Analysis****Required:** Undetermined**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-AB98**112. 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

## USDA—RHS

## Final Rule Stage

**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
NPRM	12/15/99 64 FR 70124
NPRM Comment Period End	02/14/00
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**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

**113. 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
NPRM	11/02/00 65 FR 65790
NPRM Comment Period End	01/02/01
Final Action	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** David Layfield, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 1239/STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781  
Phone: 202 690-0759  
Fax: 202 690-3444  
Email: david.layfield@usda.gov

**RIN:** 0575-AC24

**114. 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
NPRM	06/01/01 66 FR 29739
NPRM Comment Period End	07/31/01
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** David Layfield, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, Room 1239/STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250-0781  
Phone: 202 690-0759  
Fax: 202 690-3444  
Email: david.layfield@usda.gov

**RIN:** 0575-AC25

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

**Long-Term Actions**

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

**Priority:** Other Significant

**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

**Timetable:**

Action	Date
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  
Phone: 202 692-0097  
TDD Phone: 202 692-0107  
Fax: 202 692-0305  
Email: carlton.lewis@usda.gov

**RIN:** 0575-AA83

**Department of Agriculture (USDA)**  
**Rural Housing Service (RHS)**
**Completed Actions**
**116. DIRECT SECTION 502 AND 504  
SINGLE-FAMILY HOUSING PROGRAM**

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

**CFR Citation:** 7 CFR 1806; 7 CFR 1900; 7 CFR 1944; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956; 7 CFR 1965; 7 CFR 3550

**Completed:**

Reason	Date
Final Action	12/24/02 67 FR 78321

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael M. Feinberg  
Phone: 202 720-1474

**RIN:** 0575-AB99

**BILLING CODE** 3410-XV-S

**Department of Agriculture (USDA)**  
**Federal Crop Insurance Corporation (FCIC)**
**Proposed Rule Stage**
**117. 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
NPRM	09/00/03

**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

**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
NPRM	09/00/03

**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

**119. 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
NPRM	09/00/03

**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

**120. 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
NPRM	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**118. 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

## USDA—FCIC

## Proposed Rule Stage

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

**RIN:** 0563-AB76

### 121. COMMON CROP INSURANCE REGULATIONS; NURSERY CROP INSURANCE PROVISIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this proposed rule is to solicit public comments on FCIC's proposed action to revise the Nursery Crop Provisions (99-073) for the 2002 crop year to: Specify that container grown and field grown plants are separate crops, provide optional units by location for field grown nursery 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
NPRM	07/00/03

**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

### 122. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** To revise actual production history regulations to reflect changes in

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

**Timetable:**

Action	Date
NPRM	09/00/03

**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

### 123. 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
NPRM	09/00/03

**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

### 124. 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
NPRM	12/00/03

**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

**125. • 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
NPRM	09/00/03

**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**126. • 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
NPRM	09/00/03

**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

**127. COMMON CROP INSURANCE REGULATIONS; SMALL GRAINS CROP INSURANCE PROVISIONS AND WHEAT WINTER COVERAGE ENDORSEMENT****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457.101; 7 CFR 457.102**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	04/20/00 65 FR 21144
NPRM Comment Period End	06/19/00
Final Action	06/00/03

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

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

**RIN:** 0563-AB63**128. 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

## USDA—FCIC

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repetitive disasters; and 4) set too high a premium for those producers listed. Additionally, administration of the NCS process was complicated, sometimes subjective, and labor intensive.

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

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

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

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

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

**Timetable:**

Action	Date
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	09/00/03

**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

**129. 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
NPRM	05/12/99 64 FR 25464
NPRM Comment Period End	07/12/99
Final Action	09/00/03

**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

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

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

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

**CFR Citation:** 7 CFR 402; 7 CFR 407; 7 CFR 457

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

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

**Timetable:**

Action	Date
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	07/00/03

**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

**131. 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

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withheld from the public under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information even after approval by the Board; there will be an expert review of submissions; the applicant will be notified in writing at least 30 days prior to the Board disapproving a submission, if the Board intends to disapprove the submission; a submission will be deemed approved by the Board if the Board fails to make a determination within a prescribed time period; applicants will be reimbursed for research and developmental costs and maintenance costs; and companies selling the product will pay fees to the developer of the product after the fourth year of the applicant being paid maintenance costs unless maintenance for the product is transferred to FCIC.

**Timetable:**

Action	Date
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	07/00/03

**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

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

Priority: Other Significant

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

CFR Citation: 7 CFR 400; 7 CFR 457

Legal Deadline: Final, Statutory, October 18, 2000.

Abstract: The purpose of these rules is to propose changes to the Common

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

**Timetable:**

Action	Date
NPRM	09/18/02 67 FR 58912
NPRM Comment Period End	10/18/02
NPRM Comment Period Extended	10/28/02 67 FR 65732
Second NPRM Comment Period End	11/12/02
Final Action	06/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AB85

### 133. 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
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	07/00/03

**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

### 134. 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

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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	
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	05/00/03	

**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

**BILLING CODE** 3410-08-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

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

**135. LIVESTOCK PURCHASE OR SALE: PROHIBIT NON-REPORTING OF PRICE**

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 201.54

**Legal Deadline:** None

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

**Timetable:**

Action	Date	
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

**136. 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
NPRM	10/00/03

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

**RIN:** 0580-AA77

**137. 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
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  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA80



## Department of Agriculture (USDA)

Final Rule Stage

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

**138. 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
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  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA57**139. 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
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  
Phone: 202 720-7486  
Fax: 202 720-4628  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA58**140. SWINE PACKER MARKETING CONTRACTS****Priority:** Other Significant**Legal Authority:** 7 USC 181; PL 106-78**CFR Citation:** 9 CFR 206**Legal Deadline:** None

**Abstract:** The Agency is issuing rules under the Packers and Stockyards Act to implement the Swine Packer Marketing Contracts subtitle of the Livestock Mandatory Reporting Act of 1999. The Agency will establish a swine contract library and publish contract provisions on its web site.

**Timetable:**

Action	Date
NPRM	09/05/00 65 FR 53653
NPRM Comment Period End	10/05/00
Final Action	05/00/03

**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-AA71**141. EXCEPTIONS TO GEOGRAPHIC AREAS FOR OFFICIAL AGENCIES UNDER THE USGSA****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.81; 7 CFR 800.99; 7 CFR 800.116-.118; 7 CFR 800.185; 7 CFR 800.196**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	07/03/02 67 FR 44571
NPRM Comment Period End	09/03/02
Final Action	05/00/03

**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-AA76**142. • FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71**CFR Citation:** 7 CFR 800.71

## USDA—GIPSA

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**Legal Deadline:** None

**Abstract:** The Agency is proposing to increase certain fees by approximately 4.1 percent; i.e., contract and noncontract hourly rates, certain unit rates, and the administrative tonnage fee increases. These fees apply only to official inspection and weighing services performed in the United States under the United States Grain Standards Act (USGSA), as amended. These increases are needed to cover increased operational costs resulting from the approximate 4.1 percent anticipated January 2003 Federal pay increase.

**Timetable:**

Action	Date
NPRM	02/28/03 68 FR 9589
NPRM Comment Period End	03/31/03
Final Action	08/00/03

**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, STOP 3604, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-7486  
Fax: 202 690-2755  
Email: h.tess.butler@usda.gov  
**RIN:** 0580-AA81

**143. • FEES FOR RICE INSPECTION SERVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1621

**CFR Citation:** 7 CFR 868.91

**Legal Deadline:** None

**Abstract:** The Grain Inspection, Packers and Stockyards Administration is proposing an approximate 4.1 percent increase in fees for all hourly rates and certain unit rates for inspection services performed under the Agricultural Act of 1946 in the rice inspection program. These increases are needed to cover increased operational costs resulting

from the anticipated January 2003 Federal pay increase.

**Timetable:**

Action	Date
NPRM	02/28/03 68 FR 9593
NPRM Comment Period End	03/31/03
Final Action	08/00/03

**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, STOP 3604, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-7486  
Fax: 202 690-2755  
Email: h.tess.butler@usda.gov

**RIN:** 0580-AA82

**BILLING CODE** 3410-EN-S

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

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**144. 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
NPRM	05/00/03

Action	Date
NPRM Comment Period End	07/00/03
Final Action	09/00/03
Final Action Effective	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AB51

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 247

**Legal Deadline:** None

**Abstract:** This rule will rewrite regulations pertaining to the Commodity Supplemental Food Program (7 CFR part 247) in "plain language." It will also amend regulatory provisions in this part to increase program accountability and flexibility for program operators. The rule will affect program accountability by: (1) Requiring State agencies to initiate a claim against participants for repayment of the value of program benefits obtained as a result of intentional misrepresentation; (2) extending the period that State agencies may disqualify participants for program violations to up to 1 year; (3) requiring State agencies to disqualify participants for engaging in dual participation or for other selected program violations; and (4) including under program violations the physical abuse, or the threat of physical abuse, of program staff.

Amendments to increase program flexibility include: (1) Allowing the State to extend the certification of elderly persons on a fixed income for an indefinite period without a formal

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review of eligibility; (2) increasing the period of time the State agency has to review a local agency's application for participation; (3) allowing State agencies to request to retain more than the maximum amount of administrative funds allocated whether or not they perform warehouse services; (4) reducing the frequency of State management evaluations of local agencies; and (5) making State plans and Federal-State agreements permanent, with amendments submitted as needed.

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

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

**Timetable:**

Action	Date
NPRM	05/00/03
NPRM Comment Period End	07/00/03
Final Action	To Be Determined

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

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

**RIN:** 0584-AC84**146. FOOD STAMP PROGRAM: ADMINISTRATIVE COST REIMBURSEMENT****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-185, sec 502**CFR Citation:** 7 CFR 277**Legal Deadline:** Final, Statutory, October 1, 1998, Payment reduction required by law.

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03
Final Action	05/00/04
Final Action Effective	09/00/04

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

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

**RIN:** 0584-AC86**147. 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 \$3000 for households with a disabled member, and b) increasing the resource limit from \$1750 to \$2000 for households without elderly or disabled members; 2) allowing a resource exclusion for the first \$1500 of the value of one pre-paid 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
NPRM	08/00/03
NPRM Comment Period Ends	10/00/03

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

**RIN:** 0584-AD12**148. 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

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reimbursed under the same conditions set forth in the National School Lunch Act (NSLA) for at-risk snacks in the CACFP. Children who are 18 or younger and enrolled in qualifying afterschool programs located in the seven States may receive free suppers. To qualify, afterschool care programs must be located in low-income areas, provide care to children, and have an educational or enrichment purpose. (01-007)

**Timetable:**

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AD15

**149. 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
NPRM	08/00/03
NPRM Comment Period End	10/00/03

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

**RIN:** 0584-AD18

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

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

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	01/00/04
NPRM Comment Period End	03/00/04
Final Action	05/00/05
Final Action Effective	07/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**RIN:** 0584-AD22

**151. 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
NPRM	06/00/03
NPRM Comment Period End	08/00/03
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AD25

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**152. 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, PL 107-171, sec 4108, 4113, and 4117.

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

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

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

Section 4113—This rule proposes to allow 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 proposes to allow 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
NPRM	05/00/03
Final Action	07/00/04

**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  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov**RIN:** 0584-AD28**153. FSP: HIGH PERFORMANCE BONUSES****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 272; 7 CFR 275**Legal Deadline:** None**Abstract:** This action will propose implementation of the high performance bonuses as provided for in the Farm Security and Rural Investment Act of 2002 for States that demonstrate high or improved performance in administration of the Food Stamp Program. This action will propose the measurement criteria for fiscal year 2005 and beyond. (02-006)**Timetable:**

Action	Date
NPRM	08/00/03
NPRM Comment Period End	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**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  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov**RIN:** 0584-AD29**154. FSP: ELIGIBILITY AND CERTIFICATION PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 107-171, secs 4101 to 4109, 4114, 4115, and 4401**CFR Citation:** 7 CFR 273**Legal Deadline:** None**Abstract:** This proposed rule will amend Food Stamp Program regulations to implement the food stamp eligibility and certification provisions of Public Law 107-171, the Farm Security and Rural Investment Act of 2002. The rule allows States, at their option, to treat legally obligated child support payments to a non-household member

as an income exclusion rather than a deduction (as provided in current law); allows a State option to exclude certain types of income that are not counted under the State's Temporary Assistance for Needy Families (TANF) cash assistance or Medicaid programs; replaces the current, fixed standard deduction with a deduction that varies according to household size and is adjusted annually for cost-of-living increases; allows States to simplify the Standard Utility Allowance (SUA) if the States elect to use the SUA rather than actual utility costs for all households; allows States to use a standard deduction from income of \$143 per month for homeless households with some shelter expenses; allows States to disregard reported changes in deductions during certification periods except for changes associated with a new residence or earned income until the next recertification; increases the resource limit for households with a disabled member from \$2,000 to \$3,000 consistent with the limit for households with an elderly member; allows States to exclude certain types of resources that the State does not count for TANF or Medicaid (section 1931); allows States to extend semiannual reporting of changes to all households not exempt from periodic reporting; requires State agencies that have a website to post applications on these sites in the same languages that the State uses for its written applications; allows States to extend from the current 3 months up to 5 months the period of time households may receive transitional food stamp benefits when they lose TANF cash assistance; and restores food stamp eligibility to qualified aliens who are otherwise eligible AND who (1) are receiving disability benefits regardless of date of entry (current law requires them to have been in the country on August 22, 1996)—effective October 1, 2002, (2) are under 18 regardless of date of entry (current law limits eligibility to children who were in the country on August 22, 1996)—effective October 1, 2003, and beyond, or (3) have lived in the U.S. for 5 years as a qualified alien beginning on date of entry—effective April 1, 2003. (02-007)

**Timetable:**

Action	Date
NPRM	09/00/03

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Action	Date
NPRM Comment Period End	11/00/03
Final Action	12/00/04
Final Action Effective	02/00/05

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**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  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584–AD30**155. FSP: EMPLOYMENT AND TRAINING PROGRAM PROVISIONS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 273.7**Legal Deadline:** None

**Abstract:** This proposed rule will implement revisions to the Food Stamp Employment and Training (E&T) Program funding requirements. (02-009)

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03
Final Action	12/00/04
Final Action Effective	02/00/05

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

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

**RIN:** 0584–AD32**156. SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)****Priority:** Other Significant**Legal Authority:** PL 107-171, sec 4306**CFR Citation:** 7 CFR 249**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	12/00/03
Final Action	06/00/04
Final Action Effective	10/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**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  
Phone: 703 305-2246  
Fax: 703 605-0220  
Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584–AD35**157. • SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): MISCELLANEOUS VENDOR-RELATED PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** None

**Abstract:** This proposed rule amends the WIC regulations to clarify issues that have arisen subsequent to the publication of the WIC Food Delivery Systems Final Rule. It includes the following provisions: Allows the release of vendor information such as telephone numbers, e-mail/website 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 non-selection; 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
NPRM	09/00/03
NPRM Comment Period End	01/00/04
Final Action	09/00/04
Final Action Effective	09/00/04

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

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

**RIN:** 0584–AD36**158. • DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171****Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2032; PL 107-171**CFR Citation:** 7 CFR 273; 7 CFR 275; 7 CFR 277**Legal Deadline:** None

**Abstract:** This proposed rule will implement several quality control

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changes to the Food Stamp Act required by sections 4118 and 4119 of title IV of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171). The provisions in this rule will eliminate enhanced funding; establish timeframes for completing individual quality control reviews; and establish procedures for adjusting liability determinations following appeal decisions. (02-014)

**Timetable:**

Action	Date
NPRM	08/00/03
NPRM Comment Period Ends	11/00/03
Final Action	06/00/04
Action Effective	07/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

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

**Related RIN:** Split From 0584-AD31

**RIN:** 0584-AD37

**159. • 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.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

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

**RIN:** 0584-AD38

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

## Final Rule Stage

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	12/02/02 67 FR 71774
NPRM Comment Period End	04/01/03
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**RIN:** 0584-AB10

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 1766; PL 103-448; PL 104-193; PL 105-336

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** This rule amends the Child and Adult Care Food Program (CACFP) regulations. The changes in this rule result from the findings of State and Federal program reviews and from audits and investigations conducted by the Office of Inspector General. This

rule will revise: State agency criteria for approving and renewing institution applications; program training and other operating requirements for child care institutions and facilities; and State- and institution-level monitoring requirements. This rule also includes changes that are required by the Healthy Meals for Healthy Americans Act of 1994 (Pub. L. 103-448), the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (Pub. L. 104-193), and the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Pub. L. 105-336).

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

**Timetable:**

Action	Date
NPRM	09/12/00 65 FR 55103
NPRM Comment Period End	12/11/00
Interim Final Rule	06/00/03

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**Action**  
Interim Final Rule  
Effective

**Date**  
07/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

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

**RIN:** 0584-AC24

**162. 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
NPRM	07/12/01 66 FR 36495
NPRM Comment Period End	09/10/01
Final Action	05/00/03

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

**RIN:** 0584-AC37

**163. 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
NPRM	10/11/00 65 FR 60502
NPRM Comment Period End	01/09/01
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AC72

**164. 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
NPRM	11/27/02 67 FR 70861
NPRM Comment Period End	01/27/03
Final Action	03/00/04
Final Action Effective	03/00/05

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AC75

**165. FSP: ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEMS INTEROPERABILITY AND PORTABILITY**

**Priority:** Other Significant

**Legal Authority:** PL 106-171

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

**Legal Deadline:** Other, Statutory, September 7, 2000, PL 106-171, sec 3. Other, Statutory, February 11, 2001, PL 106-171, sec 4. Other, Statutory, October 1, 2002, PL 106-171, sec 3.

**Abstract:** This rule revises Food Stamp regulations to ensure that recipients can use their electronic food stamp benefits across State borders by requiring interoperable State electronic issuance systems. The regulations establish uniform national standards to achieve this requirement. Also, 100 percent funding is available under the regulation to pay for the operational cost of this functionality up to a



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national limit of \$500,000. Costs beyond this level will be covered at the standard 50 percent program reimbursement rate for State administrative costs. (00-001)

**Timetable:**

Action	Date
Interim Final Rule	08/15/00 65 FR 49719
Interim Final Rule Effective	09/19/00
Interim Final Rule Comment Period End	11/13/00
Final Action	05/00/03

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

**RIN:** 0584-AC91

### 166. SPECIAL NUTRITION PROGRAMS: DISCLOSURE OF CHILDREN'S ELIGIBILITY INFORMATION UNDER THE CHILD NUTRITION PROGRAMS

**Priority:** Other Significant

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

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

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

**Abstract:** This rule establishes requirements for the disclosure of children's free and reduced price meal and free milk eligibility information by agencies that make the free and reduced price meal or free milk determination under the National School Lunch Program, the School Breakfast Program, the Special Milk Program, the Child and Adult Care Food Program, and the Summer Food Service Program. The rule responds to amendments to the Richard B. Russell National School Lunch Act, which allow limited disclosure of children's free and reduced price meal or free milk eligibility information, Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994; and Public Law

106-224, the Agricultural Risk Protection Act of 2000; comments received on the July 25, 2000, proposed rule on "Disclosure of Children's Eligibility Information" (65 FR 45725 issued under RIN 0584-AC21) and comments received on the January 11, 2001, interim rule on "Disclosure of Children's Eligibility Information to State Medicaid and the State Children's Health Insurance Program" (66 FR 2195 issued under RIN 0584-AC95). This rule incorporates the proposed rule and interim rule into one final rule. Therefore, RIN 0584-AC21 is withdrawn, and the final provisions will be issued under RIN 0584-AC95. The final rule will adopt or modify as necessary many of the provisions mandated by the statute and required by the interim rule. Many of these same provisions were presented as recommendations in the proposed rule. The objective is to provide consistency in procedures when determining agencies' 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
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	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AC95

### 167. 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
Direct Final Rule	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AD16

### 168. DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS IN SCHOOLS—VERIFICATION REPORTING AND RECORDKEEPING REQUIREMENTS

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 245

**Legal Deadline:** None

**Abstract:** Recent comparisons of National poverty data instruments

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indicate that there are more students certified for free and reduced price meals than there are students eligible for such meal benefits. As a result, the Food and Nutrition Service (FNS) published a proposed rule on August 9, 2002, and plans to finalize this regulation to amend the recordkeeping and reporting requirements relating to verification of applications for free and reduced price meals. The rule requires local school food authorities to report verification activity and results to their respective State agency to support State agency oversight activities and to require States to report the school level data to USDA. Results will provide USDA with information that will assist in improving the certification of eligibility for free and reduced price meal benefits. (01-015)

**Timetable:**

Action	Date
NPRM	08/09/02 67 FR 51779
NPRM Comment Period End	10/08/02
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AD20

**169. FOOD STAMP PROGRAM: ADMINISTRATIVE REVIEW REQUIREMENTS—FOOD RETAILERS/WHOLESALEERS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The rule proposes to streamline and make technical corrections to the administrative review process by amending portions of current regulations provided in parts 278 and 279. It would eliminate repetitious, outdated, and unnecessary provisions without taking away a business's right to an administrative review or a judicial review. It would

also eliminate formal procedures for face-to-face meetings with review officers. There are very few requests for such reviews, and because administrative review decisions are based on documented facts and not on face-to-face meetings, these meetings are unnecessary and ineffective. (02-001)

**Timetable:**

Action	Date
NPRM	11/25/02 67 FR 70561
NPRM Comment Period End	01/24/03
Final Action	05/00/03

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

**RIN:** 0584-AD23

**170. 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
Final Action	06/00/03
Final Action Effective	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

**RIN:** 0584-AD24

**171. 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
NPRM	10/11/00 65 FR 60502
NPRM Comment Period End	01/09/01
Final Action	06/00/03
Final Action Effective	07/00/03

**Regulatory Flexibility Analysis Required:** No

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

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

**RIN:** 0584-AD27

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**172. FSP: NON-DISCRETIONARY QUALITY CONTROL PROVISIONS OF TITLE IV OF PUBLIC LAW 107-171****Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2032; PL 107-171**CFR Citation:** 7 CFR 273; 7 CFR 275**Legal Deadline:** None

**Abstract:** This interim rule will implement several quality control changes to the Food Stamp Act required by sections 4118 and 4119 of title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171). The provisions in this rule affect the following areas: 1) Timeframes for completing quality control reviews; 2) timeframes for completing the arbitration process; 3) timeframes for determining final error rates; 4) the threshold for potential sanctions and time period for sanctions; 5) the calculation of State error rates; 6) the formula for determining States' liability amounts; 7) sanction notification and method of payment; and 8) corrective action plans. (02-014)

**Timetable:**

Action	Date
Interim Final Rule	08/00/03

Action	Date
Interim Final Rule Effective	10/01/02

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

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

**RIN:** 0584-AD31**173. COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP)—ALLOCATION OF ADMINISTRATIVE FUNDS****Priority:** Other Significant**Legal Authority:** PL 107-171**CFR Citation:** 7 CFR 247.10**Legal Deadline:** None

**Abstract:** This rule will amend CSFP regulations to implement nondiscretionary provisions of Public Law 107-171 affecting the allocation of administrative funds to State agencies. The law allocates to State agencies an

administrative grant per assigned caseload slot, adjusted each year for inflation, to pay program administrative costs. It also deletes the current limitation of the total administrative allocation to 20 percent of total program funding. The method of allocation used previously did not guarantee States a specific amount for each caseload slot assigned. The changes provide more stable funding support for State and local agencies. (02-010)

**Timetable:**

Action	Date
Final Action	06/00/03

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

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

**RIN:** 0584-AD33**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)****Long-Term Actions****174. 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**Timetable:**

Action	Date
NPRM	07/16/98 63 FR 38343
NPRM Comment Period End	09/14/98
Interim Final Rule	08/23/00 65 FR 51213
Interim Final Rule Effective	10/23/00
Interim Final Rule Implementation Date	11/21/00
Interim Final Rule Comment Period End	08/23/01
Final Action	07/00/04

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

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

**RIN:** 0584-AB52**175. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY****Priority:** Other Significant**CFR Citation:** 7 CFR 226**Timetable:**

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

Action	Date
Interim Final Rule Effective	07/29/02
Final Action	06/00/04

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

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

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

**RIN:** 0584-AC94

## USDA—FNS

## Long-Term Actions

**176. IMPROVING ACCESS TO THE FOOD STAMP PROGRAM FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY****Priority:** Other Significant**CFR Citation:** 7 CFR 272.4(b)**Timetable:**

Action	Date
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:** Undetermined**Government Levels Affected:** State, Local**Federalism:** Undetermined**Agency Contact:** Sharon Ackerman  
Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD06**177. FOOD STAMP PROGRAM: VEHICLE AND MAXIMUM EXCESS SHELTER EXPENSE DEDUCTION PROVISIONS OF PUBLIC LAW 106-387****Priority:** Economically Significant, Major under 5 USC 801.**CFR Citation:** 7 CFR 273.8; 7 CFR 273.9**Timetable:**

Action	Date
NPRM	To Be Determined

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

Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD13**Department of Agriculture (USDA)  
Food and Nutrition Service (FNS)**

## Completed Actions

**178. FOOD STAMP PROGRAM: ANTICIPATING INCOME AND REPORTING CHANGES****Priority:** Other Significant**CFR Citation:** 7 CFR 272; 7 CFR 273**Completed:**

Reason	Date
Final Action	04/29/03 68 FR 22567

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Sharon Ackerman  
Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AB57**179. IMPLEMENTATION OF POULTRY SUBSTITUTION PILOT AS PERMANENT AND MODIFICATION OF COMMODITY RECORDKEEPING REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 250.14; 7 CFR 250.16; 7 CFR 250.30**Completed:**

Reason	Date
Final Action	10/23/02 67 FR 65011

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local**Agency Contact:** Sharon Ackerman  
Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD08**180. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): EXCLUSION OF MILITARY HOUSING PAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 246**Completed:**

Reason	Date
Final Action	10/31/02 67 FR 66303

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Sharon Ackerman  
Phone: 703 305-2246

Fax: 703 605-0220

Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD34**BILLING CODE 3410-30-S****Department of Agriculture (USDA)  
Food Safety and Inspection Service (FSIS)**

## Prerule Stage

**181. • STANDARDS AND LABELING REQUIREMENTS FOR MECHANICALLY SEPARATED SPECIES AND PRODUCTS IN WHICH IT IS USED (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610(c)**CFR Citation:** 9 CFR 317.2(j)(13)(ii); 9 CFR 318.18; 9 CFR 319.5**Legal Deadline:** Other, Statutory, May 2003, Review mandated to conclude within 12 months after initial announcement of review. 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

## USDA—FSIS

## Prerule Stage

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 re-evaluation of its regulations in accordance with Executive Order 12291(now Executive Order 12866), the Department decided to amend the requirements and issue a new final rule entitled "Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used."

This regulation 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
End Review	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC93

**182. • NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS (SECTION 610 REVIEW)**

**Priority:** Other Significant

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

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

**Legal Deadline:** Other, Statutory, June 2004, Review mandated to conclude within 12 months after initial announcement of review.

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

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

**Promulgation Purpose and Legal Basis:**

Sections 1(n) of the Federal Meat Inspection Act (FMIA), and 4(h) of the Poultry Products Inspection Act (PPIA) establish the Secretary of Agriculture's statutory responsibility for ensuring

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

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

FSIS' final rule entitled, "Nutrition Labeling of Meat and Poultry Products," will be reviewed under the Regulatory Flexibility Act's section 610 provisions within the succeeding 12 months. Accordingly, the FSIS invites all interested parties to submit comments on: (1) The continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, and local rules; (4) the nature of complaints or comments received concerning the rule from the public; and (5) the technology and economic conditions, or other factors, which have changed the specific area affected by the rule.

**Timetable:**

Action	Date
Begin Review	06/00/03

**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**

**183. ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 21 USC 601 to 695 et seq; 7 USC 138 et seq; 21 USC 450 et seq; 7 USC 2.18 to 2.53 et seq; 21 USC 451 to 470 et seq

**CFR Citation:** 9 CFR 309; 9 CFR 310; 9 CFR 381

**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
NPRM	03/00/04

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 720-5627  
 Fax: 202 690-0486  
 Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC43

**184. REQUIREMENTS FOR DISPOSITION AND DISPOSAL OF INSPECTED RAW MEAT AND POULTRY PRODUCTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 7 USC 450; 21 USC 451 to 470 et seq; 21 USC 601 to 695 et seq; 7 USC 1901 to 1906

**CFR Citation:** 9 CFR 311; 9 CFR 314; 9 CFR 320; 9 CFR 325; 9 CFR 381; 9 CFR 428; 9 CFR 455

**Legal Deadline:** None

**Abstract:** FSIS is proposing to reform the regulations governing the disposition of inspected raw meat and poultry products and the disposal of such products that are condemned or otherwise inedible. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today. Others are duplicative regulations applying separately to meat and to poultry that should be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. The proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on the disposition and disposal of inspected raw products. Among these regulations are those concerning the handling of raw product moving between official

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establishments and the disposal of condemned or inedible carcasses and parts. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

This proposal would convert to performance standards the regulations governing the disposition, handling, and disposal of raw carcasses and parts. The Agency believes this alternative would offer the best prospect of permitting the efficient and effective implementation of HACCP and of maximizing the flexibility official establishments and other entities have to adopt technological and other innovations that could increase the assurance of food safety.

This proposal would also recodify the regulations on the disposition, handling, and disposal of raw meat and poultry products. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations affecting both meat and poultry would be designated to the same parts and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

**Timetable:**

Action	Date
NPRM	03/00/04

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC44

**185. PERFORMANCE STANDARDS FOR BACON**

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 424.22(b)

**Legal Deadline:** None

**Abstract:** FSIS is proposing to revise the regulatory provisions concerning the production and testing of pumped bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that prescribe the substances and amounts of such substances that must be used to produce pumped bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped bacon must meet. To meet the proposed performance standard, the process used would be required to limit the presence of nitrosamines when the product is cooked.

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC49

**186. REWORKING OF MEAT AND POULTRY CARCASSES ACCIDENTALLY CONTAMINATED DURING EVisCERATION**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 21 USC 451 to 470; 21 USC 601 to 695; 7 CFR 2.18; 7 CFR 2.53

**CFR Citation:** 9 CFR 310; 9 CFR 381; 9 CFR 433

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service is proposing to amend the mandatory meat and poultry

products inspection regulations concerning the reworking of carcasses accidentally contaminated during evisceration. The proposal would replace with performance standards the current prescriptive provisions governing the handling of meat carcasses and the reprocessing of poultry carcasses that have been so contaminated and would permit the on-line reprocessing of carcasses, provided the applicable performance standards are met. The proposal would permit establishments to reprocess contaminated meat and poultry carcasses on the evisceration line, rather than at separate stations, if the establishments can scientifically demonstrate a substantial improvement in the microbiological quality of the carcasses. The amended regulations would be consistent with the Agency's pathogen reduction (PR) and hazard analysis and critical control points (HACCP) regulations.

**Timetable:**

Action	Date
NPRM	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC53

**187. EGG AND EGG PRODUCTS INSPECTION REGULATIONS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 21 USC 1031 to 1056

**CFR Citation:** 9 CFR 590.570; 9 CFR 590.575; 9 CFR 590.146; 9 CFR 590.10; 9 CFR 590.411; 9 CFR 590.502; 9 CFR 590.504; 9 CFR 590.580; 9 CFR 591;

...

**Legal Deadline:** None

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**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to require shell egg packers and egg products plants to develop and implement Hazard Analysis and Critical Control Points (HACCP) systems and Sanitation Standard Operating Procedures (SOPs). FSIS also is proposing pathogen reduction performance standards that would be applicable to pasteurized shell eggs and egg products. Plants would be expected to develop HACCP systems that ensure products meet the pathogen reduction performance standards. Finally, FSIS is proposing to amend the Federal egg and egg products inspection regulations by removing current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to their use in official plants. The Agency also plans to eliminate the prior label approval system for egg products.

The actions being proposed are part of FSIS' regulatory reform effort to improve FSIS' egg and egg products food safety regulations, better define the roles of Government and the regulated industry, encourage innovations that will improve food safety, remove unnecessary regulatory burdens on inspected egg products plants, and make the egg and egg products regulations as consistent as possible with the Agency's meat and poultry products regulations. FSIS is also taking these actions in light of changing inspection priorities and recent findings of Salmonella in pasteurized egg products.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486

Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC58

**188. 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
NPRM	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

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-AC59

**189. FOOD STANDARDS; GUIDING PRINCIPLES AND FOOD STANDARDS MODERNIZATION**

**Priority:** Other Significant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) are proposing to modernize their food standards. The agencies are proposing a set of guiding principles 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
NPRM	08/00/03

**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  
Phone: 202 205-0279

**RIN:** 0583-AC72

**190. 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



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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
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov  
**RIN:** 0583-AC81

### 191. 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
NPRM	06/00/03

**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-AC83

### 192. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY (SECTION 610 REVIEW)

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 381.66

**Legal Deadline:** None

**Abstract:** FSIS is proposing to eliminate the time and temperature requirements for chilling ready-to-cook poultry carcasses and giblets. The Agency is taking this action because the requirements are inconsistent with the Agency's Pathogen Reduction/Hazard Analysis and Critical Control Point (PR/HACCP) System regulations, with its final rule further restricting retained water in raw meat and poultry, and with the Agency's regulatory reform program. Moreover, because of these regulations, the meat and poultry industries receive disparate regulatory treatment: No regulations that apply to the chilling of poultry apply to the chilling of meat. This proposal responds to longstanding petitions by industry trade associations.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC87

### 193. 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
NPRM	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC91

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** None

**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
NPRM	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## USDA—FSIS

## Proposed Rule Stage

**Government Levels Affected:** None  
**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff,

Department of Agriculture, Food Safety and Inspection Service, Room 402  
 Cotton Annex Building, 1400 Independence Avenue SW,  
 Washington, DC 20250

Phone: 202 720-5627  
 Fax: 202 690-0486  
 Email: daniel.engeljohn@usda.gov  
**RIN:** 0583-AC92

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

## Final Rule Stage

**195. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 9 CFR 319

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations by removing a meat yield requirement for the standardized products “Beef With Barbecue Sauce” and “Pork With Barbecue Sauce.” Current regulations for these products require that the product contain not less than 50 percent of the species identified on the label and that the weight of the cooked pork or beef not exceed 70 percent of the uncooked weight of the meat. The first requirement is consistent with other meat and sauce requirements, but the second requirement is not. The petitioner asserts that the product standard (promulgated in 1952) does not reflect current production practices or the commercial marketability of beef or pork with barbecue sauce. The petitioner further states that producers of these products are at a competitive disadvantage with other meat and sauce producers, because other meat and sauce producers do not have a 70 percent yield requirement. For example, producers of the standardized products “Beef with Gravy,” “Meat Pies,” and “Spaghetti with Meat and Sauce” and similar standardized products do not have any meat yield requirements.

FSIS has determined that the petitioner’s request should be granted. This action would permit fair competition between meat and barbecue sauce producers, and poultry and sauce producers, and would provide consistent requirements in both the meat and poultry inspection regulations.

**Timetable:**

Action	Date
NPRM	09/03/97 62 FR 46450
NPRM Comment Period End	11/03/97
Final Action	01/00/04

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 720-5627  
 Fax: 202 690-0486  
 Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC09

**196. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS**

**Priority:** Economically Significant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 9 CFR 317; 9 CFR 381; 9 CFR 430

**Legal Deadline:** None

**Abstract:** FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat and partially heat-treated meat and poultry products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. Along with HACCP, food safety performance standards will give establishments the incentive and flexibility to adopt innovative, science-based food safety

processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with those already in place for certain ready-to-eat meat and poultry products. FSIS also proposed testing requirements intended to reduce the incidence of Listeria in ready-to-eat meat and poultry products.

**Timetable:**

Action	Date
NPRM	02/27/01 66 FR 12590
NPRM Comment Period End	05/29/01
NPRM Comment Period Extended	07/03/01 66 FR 35112
NPRM Comment Period End	09/10/01
Final Action	07/00/03

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
 Phone: 202 720-5627  
 Fax: 202 690-0486  
 Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC46

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

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1(b)(10)

**Legal Deadline:** None

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**Abstract:** In 1994, the Food Safety and Inspection Service (FSIS) amended its regulations to recognize that products resulting from advanced meat/bone separation machinery comes within the definition of meat when recovery systems are operated to assure that the characteristics and composition of the resulting product are consistent with those of meat. Subsequent compliance problems and other concerns have made it apparent that the regulations are inadequate to prevent misbranding and economic adulteration. Therefore, FSIS is developing a rule to clarify the regulations and supplement the rules for assuring compliance.

**Timetable:**

Action	Date
NPRM	04/13/98 63 FR 17959
NPRM Comment Period End	06/12/98
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC51

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** FSIS has proposed to amend the Federal meat and poultry products inspection regulations to require that nutrition information be provided for the major cuts of single-ingredient, raw meat and poultry products, either on their label or at their point-of-purchase. FSIS proposed to require nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products because, during the most

recent surveys of retailers, the Agency did not find significant participation in the voluntary nutrition labeling program for single-ingredient, raw meat and poultry products.

In this rule, FSIS also proposed to amend its regulations to extend mandatory labeling to single-ingredient ground or chopped products. Under this proposal, individual retail packages of ground or chopped meat and ground or chopped poultry products would bear nutrition labeling. The Agency has determined that ground or chopped products are different from other single-ingredient products in several important respects. Thus, FSIS proposed to make nutrition labeling requirements for ground or chopped products consistent with those for multi-ingredient products.

Finally, FSIS has proposed to amend the nutrition labeling regulations to provide that, when a ground or chopped product does not meet the criteria to be labeled "low fat," a lean percentage claim may be included on the product label or in labeling as long as a statement of the fat percentage also is displayed on the label or in labeling.

**Timetable:**

Action	Date
NPRM	01/18/01 66 FR 4970
NPRM Comment Period End	04/18/01
Extension of Comment Period	04/20/01 66 FR 20213
NPRM Comment Period End	07/17/01
Final Action	08/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**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-AC60

### 199. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 602 et seq; 21 USC 451 et seq; 21 USC 321 et seq

**CFR Citation:** 9 CFR 318.7; 9 CFR 381.147

**Legal Deadline:** None

**Abstract:** This final rule will amend the meat and poultry inspection regulations by completing earlier efforts to incorporate current listings in 9 CFR into 21 CFR.

**Timetable:**

Action	Date
Final Action	12/00/03

**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-AC69

### 200. 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
NPRM	12/01/00 65 FR 75187
NPRM Comment Period End	01/30/01
Final Action	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400

## USDA—FSIS

## Final Rule Stage

Independence Avenue SW,  
Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov  
**RIN:** 0583-AC73

**201. 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
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov  
**RIN:** 0583-AC78

**202. FOOD STANDARDS:  
REQUIREMENTS FOR SUBSTANTIVE  
STANDARDIZED MEAT AND POULTRY  
PRODUCTS NAMED BY USE OF AN  
EXPRESSED NUTRIENT CONTENT  
CLAIM AND A STANDARDIZED TERM**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** FSIS is amending the Federal meat and poultry inspection regulations to establish a general definition and standard of identity for standardized meat and poultry products that have been modified to qualify for use of an expressed nutrient content claim in their product names. These products will be identified by an expressed nutrient content claim, such as "fat free," "low fat," and "light," in conjunction with an appropriate standardized term. FSIS is taking this action to 1) assist consumers to maintain healthy dietary practices by providing for modified versions of standardized meat and poultry products that have reductions of certain constituents that are of health concern to some people, 2) increase regulatory flexibility and support product innovation and, 3) provide consumers with an informative nutrition labeling system.

**Timetable:**

Action	Date
NPRM	12/29/95 60 FR 67474
NPRM Comment Period End	02/27/96
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** 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-AC82

**203. • CHANGES IN FEES FOR MEAT,  
POULTRY, AND EGG PRODUCTS  
INSPECTION SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 601 et seq;  
21 USC 1031 1 et seq; 21 USC 451  
et seq; 7 USC 1621 et seq

**CFR Citation:** 9 CFR 391; 9 CFR 590;  
9 CFR 592

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to change the fees that it charges meat and poultry establishments, egg products plants, importers, and exporters for providing voluntary inspection services, overtime and holiday inspection services, identification services, certification services, and laboratory services. The Agency is proposing to raise the fees for voluntary base time and holiday and overtime inspection services. These increases in fees reflect, among other factors, the national and locality pay raise for Federal employees (proposed 4.1 percent increase effective January 2003) and inflation. FSIS is also proposing to decrease the fee for laboratory services because of greater efficiencies realized. The Agency is also proposing to decrease the annual fee for the Accredited Laboratory Program from \$1,500.00 to \$1,000.00.

**Timetable:**

Action	Date
NPRM	02/26/03 68 FR 8858
NPRM Comment Period End	03/28/03
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Director, Regulations and Directives Development Staff, Department of Agriculture, Food Safety and Inspection Service, Room 402 Cotton Annex Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC94

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Long-Term Actions**
**204. TRANSPORTATION, STORAGE,  
AND OTHER HANDLING OF  
POTENTIALLY HAZARDOUS FOODS**

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

**CFR Citation:** 9 CFR 308; 9 CFR 317; 9 CFR 325; 9 CFR 381

**Timetable:**

Action	Date
ANPRM	11/22/96 61 FR 59372
ANPRM Comment Period End	02/20/97
NPRM	09/00/04

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Daniel L. Engeljohn  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC05

**205. REFORM OF REGULATIONS ON  
IMPORTED MEAT AND POULTRY  
PRODUCTS**

**Priority:** Other Significant

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

**Timetable:**

Action	Date
NPRM	07/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel L. Engeljohn  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC56

**206. FOOD LABELING; NUTRIENT  
CONTENT CLAIMS, DEFINITION OF  
THE TERM HEALTHY**

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date
Interim Final Rule	12/28/99 64 FR 72490
Interim Final Rule Comment Period End	01/27/00
Interim Final Rule	01/06/03 68 FR 460
Interim Final Rule Comment Period End	02/05/03
Next Action	Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Post  
Phone: 202 205-0279

**RIN:** 0583-AC65

**207. ELIMINATION OF  
REQUIREMENTS FOR TOTAL  
QUALITY CONTROL SYSTEMS**

**Priority:** Other Significant

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

**Timetable:**

Action	Date
NPRM	06/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

**Agency Contact:** Daniel L. Engeljohn  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC68

**208. 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

**Timetable:**

Action	Date
ANPRM	05/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel L. Engeljohn  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC77

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

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

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date
NPRM	09/00/04

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Daniel L. Engeljohn  
Phone: 202 720-5627  
Fax: 202 690-0486  
Email: daniel.engeljohn@usda.gov

**RIN:** 0583-AC88

**BILLING CODE 3410-DM-S**

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Prerule Stage**
**210. • 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 Part 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,

## USDA—FAS

## Prerule Stage

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
ANPRM	05/00/03
ANPRM Comment	06/00/03
Period End	
NPRM	07/00/03
NPRM Comment	08/00/03
Period End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

**RIN:** 0551-AA65

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

**Proposed Rule Stage**

**211. 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
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

Tamoria Thompson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-1690  
Email: thompson@fas.usda.gov

**RIN:** 0551-AA62

**212. ● MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM**

**Priority:** Other Significant

**Legal Authority:** Section 3109 of the Farm Security and Rural Investments Act of 2002

**CFR Citation:** 7 CFR 1499

**Legal Deadline:** None

**Abstract:** Section 3107 of the Farm Security and Rural Investments Act of 2002, Public Law 107-171, authorized the President to establish a program to be known as the McGovern-Dole International Food for Education and Child Nutrition Program. This program would provide agricultural commodities and financial and technical assistance to carry out

preschool and school food for education programs and maternal, infant, and child nutrition programs in foreign countries.

**Timetable:**

Action	Date
NPRM	05/00/03
NPRM Comment	06/00/03
Period End	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

**RIN:** 0551-AA64

**213. ● TRADE ADJUSTMENT ASSISTANCE FOR FARMERS (TAA)**

**Priority:** Other Significant

**Legal Authority:** 19 USC 2401

**CFR Citation:** 7 CFR 1580

**Legal Deadline:** NPRM, Statutory, February 3, 2003, Public law 107-210.

**Abstract:** The Trade Act of 2002 (HR 3009) amended title II of the Trade Act of 1974, as amended (19 U.S.C. et seq.) to establish a trade adjustment assistance (TAA) program for farmers for the purpose of providing cash benefits to eligible producers of raw agricultural commodities for FY 2003 through 2007. Total TAA

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## Proposed Rule Stage

appropriations are not to exceed \$90 million annually. TAA funds are to be provided to eligible producers if increased imports contributed importantly to declines in national average prices of directly competitive domestic products. This amendment necessitates issuing a proposed regulation to establish a procedure by which: (1) A group of producers may petition for a certificate of eligibility for TAA for a particular commodity and (2) individual producers may apply for TAA benefits. The proposed regulation provides operational details regarding: Definitions; eligibility criteria, economic data and documentation to be submitted with a petition and application; filing procedures;

certification; payments limitations; allocation of funds; deadlines; notification requirements; and termination provisions. The proposed procedures and information/data required are essential in ensuring that the Secretary has the best information available on which to base a determination to issue certification of eligibility for TAA and for administering the program consistent with the statute. The estimated total annual cost of the annual reporting burden of 7,000 hours is \$210,000.

**Timetable:**

Action	Date
NPRM	05/00/03

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

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

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

**RIN:** 0551-AA66
**Department of Agriculture (USDA)  
Foreign Agricultural Service (FAS)**

## Final Rule Stage

**214. PROGRAM TO ASSIST U.S. PRODUCERS IN DEVELOPING DOMESTIC MARKETS FOR VALUE-ADDED WHEAT GLUTEN AND WHEAT STARCH PRODUCTS**
**Priority:** Other Significant**Legal Authority:** 15 USC 714c**CFR Citation:** 7 CFR 1482**Legal Deadline:** None

**Abstract:** The rule provides for a 2-year program to assist U.S. wheat gluten producers in fully adjusting to import competition by transitioning the industry from production of basic bulk commodities to production of value-added commodities where the market potential is more viable. U.S. producers of wheat gluten, who meet the eligibility requirements of the rule and submit the required market development plans, will receive an annual lump sum payment by CCC to conduct specific program activities aimed at facilitating the transition to value-added wheat gluten products for sale in the domestic market.

**Timetable:**

Action	Date
Interim Final Rule	06/08/01 66 FR 30801
Interim Final Rule Comment Period End	07/09/01
Final Action	05/00/03

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

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

Tamoria Thompson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 690-1690  
Email: thompsonst@fas.usda.gov

**RIN:** 0551-AA60
**215. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-171, sec 3205**CFR Citation:** 7 CFR 1487**Legal Deadline:** None

**Abstract:** The Farm Security and Rural Investment Act of 2002 mandates that the Secretary make available annually \$2 million of Commodity Credit

Corporation funds to establish and carry out an export assistance program to address sanitary, phytosanitary, and technical barriers that prohibit or threaten the export of U.S. specialty crops. This interim rule would establish the Technical Assistance for Specialty Crops program, providing a new tool to enable USDA to make available much needed resources to the specialty crop industry to remove, resolve, or mitigate these barriers to increased exports.

**Timetable:**

Action	Date
Interim Final Rule	09/10/02 67 FR 39254
Interim Final Rule Comment Period End	11/12/02
Final Action	06/00/03

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

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6087, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

**RIN:** 0551-AA63

**Department of Agriculture (USDA)**  
**Foreign Agricultural Service (FAS)**
**Long-Term Actions**
**216. CCC SUPPLIER CREDIT  
GUARANTEE PROGRAM**

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

**CFR Citation:** 7 CFR 1493

**Timetable:**

Action	Date
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

**Agency Contact:** Kimberly Chisley  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

Tamoria Thompson  
Phone: 202 690-1690  
Email: thompson@fas.usda.gov

**RIN:** 0551-AA30

**217. FACILITY GUARANTEE  
PROGRAM**

**Priority:** Other Significant

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

**Timetable:**

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

Action	Date
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

**Agency Contact:** Kimberly Chisley  
Phone: 202 720-2568  
Fax: 202 720-3814  
Email: chisleyk@fas.usda.gov

Tamoria Thompson  
Phone: 202 690-1690  
Email: thompson@fas.usda.gov

**RIN:** 0551-AA35

**BILLING CODE** 3410-10-S

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Proposed Rule Stage**
**218. 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
NPRM	06/22/87 52 FR 23473
NPRM Comment Period End	07/22/87
Second NPRM	12/00/03
Second NPRM Comment Period End	02/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610  
Fax: 703 605-5111  
Email: aweeks@fs.fed.us

**RIN:** 0596-AA52

**219. 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



## USDA—FS

## Proposed Rule Stage

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
NPRM	11/00/03
NPRM Comment Period End	01/00/04

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB45**220. 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
NPRM	02/16/94 59 FR 7880
NPRM Comment Period End	05/18/94
Second NPRM	08/00/03
Second NPRM Comment Period End	10/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB61**221. 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 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
NPRM	12/00/03
NPRM Comment Period End	02/00/04

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB70**222. 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

## USDA—FS

## Proposed Rule Stage

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
NPRM	11/00/03
NPRM Comment Period End	01/00/04

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

RIN: 0596-AB75

### 223. 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. This act (1) establishes in law that the base annual fee for recreation residences is 5 percent of the market value of the lot;

(2) changes the appraisal cycle period from 20 years to 10 years; and (3) requires the Secretary of Agriculture to (a) complete an inventory of utilities, access, and facilities serving each recreation residence tract or lot and document who paid for the installation of those improvements; (b) develop a new set of guidelines for conducting appraisals for recreation residences on NFS lands; (c) use a different annual indexing indicator; and (d) issue new Agency direction to implement the provisions of the Act within 2 years of its passage (October 11, 2000). The Forest Service proposes to publish notice in the Federal Register of policy changes to the Forest Service Manual (FSM 2723) and Handbooks (FSH 2709.11, sec. 33; and FSH 5409.12, ch. 6) that would make Agency direction consistent with the requirements in the Act for the base annual fee and appraisal cycle (described in the preceding items (1) and (2)) and to request public comment on those policy changes related to the inventory, guidelines for appraisals, and indexing indicator (described in the preceding items (3)(a) to (3)(d)). Comments will be considered in development of the final policy.

**Timetable:**

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

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

RIN: 0596-AB83

### 224. 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
NPRM	07/00/03
NPRM Comment Period End	10/00/03
Final Action	12/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

RIN: 0596-AB91

## USDA—FS

## Proposed Rule Stage

**225. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 4151; 29 USC 794; 7 CFR 15e**CFR Citation:** None**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB92**226. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES****Priority:** Substantive, Nonsignificant**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
NPRM	06/00/03
NPRM Comment Period End	08/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB93**227. OBJECTION PROCESS; LAND AND RESOURCE 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
NPRM	12/00/03
NPRM Comment Period End	02/00/04

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB97**228. 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

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## Proposed Rule Stage

**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
NPRM	12/00/03
NPRM Comment Period End	02/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB98

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
NPRM	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AC00

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
NPRM	12/00/03
NPRM Comment Period End	02/00/04
Final Rule	09/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**Related RIN:** Related To 0596-AB86

**RIN:** 0596-AC02

### 231. ● STEWARDSHIP CONTRACTING PROJECTS (PROPOSED INTERIM DIRECTIVES; FOREST SERVICE MANUAL 2400 AND RELATED HANDBOOKS)

**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

### 229. ● 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

### 230. ● NATIONAL FOREST SYSTEM LAND AND RESOURCE 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)

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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
NPRM	05/00/03
Final Action	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134  
Phone: 703 605-4610  
Fax: 703 605-5111  
Email: aweeks@fs.fed.us  
**RIN:** 0596-AC03

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

## Final Rule Stage

**232. 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
NPRM	12/30/96 61 FR 68690
NPRM Comment Period End	02/13/97
Final Action	07/00/03
Final Action Effective	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134  
Phone: 703 605-4610  
Fax: 703 605-5111  
Email: aweeks@fs.fed.us

**RIN:** 0596-AB21

**233. 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
NPRM	11/24/99 64 FR 66341
NPRM Comment Period Extended	12/29/99 64 FR 72971
NPRM Comment Period End	02/04/00
Comment Period Extended	02/25/00 65 FR 10042
Comment Period End	03/09/00
Final Action	07/00/03
Final Action Effective	08/00/03

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## Final Rule Stage

**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.

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB36

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**234. 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 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
Interim Final Rule	11/21/02 67 FR 70166
Interim Final Rule Comment Period End	01/21/03
Final Action	05/00/03
Final Action Effective	06/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB48

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**235. PREFERENCE FOR VISITOR SERVICE; ALASKA NATIONAL FOREST CONSERVATION SYSTEM UNITS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3197**CFR Citation:** 36 CFR 251**Legal Deadline:** None

**Abstract:** The Forest Service is issuing a final rule to establish procedures by which eligible persons may receive preferences authorized by statute in the issuance of special use permits to conduct revenue-producing visitor services within Conservation System Units on the National Forests in Alaska. This regulation is necessary to implement section 1307 of the Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C. 3101 et seq.). Lands administered by the Forest Service comprise approximately 5 percent of the Federal lands affected by this statute; therefore, in preparing this rule, the Forest Service has coordinated with two agencies of the Department of the Interior (USDI) in order to provide consistency in the implementation of ANILCA. The final rule for the National Park Service was published on October 18, 1996 (61 FR 54334, revising 36 CFR part 13), and the final rule for the U.S. Fish and Wildlife Service was published on January 14, 1997 (62 FR 1838, revising 50 CFR part 36). While the USDI received many comments on its proposed rules, the Forest Service

received only four comments on its proposed rule, which was published on April 25, 1997 (62 FR 20140). After considering all public comments, the Forest Service has revised the rule to clarify that statutory rights granted by ANILCA take precedence over the Forest Service outfitter and guide policy regarding reissuance of permits to priority-use holders without competition; other changes made in this final rule are primarily minor and non-substantive.

**Timetable:**

Action	Date
NPRM	04/25/97 62 FR 20140
NPRM Comment Period End	06/24/97
Final Action	06/00/03
Final Action Effective	07/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB57

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**236. 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

## USDA—FS

## Final Rule Stage

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
NPRM	09/20/01 66 FR 48412
NPRM Comment Period End	11/19/01
Final Action	09/00/03
Final Action Effective	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**Related RIN:** Related To 0596-AB94

**RIN:** 0596-AB73

**237. 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
NPRM	01/22/03 68 FR 2948
NPRM Comment Period End	03/24/03
Final Rule	07/00/03
Final Rule Effective	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB74

**238. 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
Interim Final Rule	07/00/03
Interim Final Rule Comment Period End	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB81

**239. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING**

**Priority:** Other Significant

**Legal Authority:** 16 USC et seq; 5 USC 301

## USDA—FS

## Final Rule Stage

**CFR Citation:** 36 CFR 219, subpart A

**Legal Deadline:** None

**Abstract:** The Forest Service proposed changes to the National Forest System Land and Resource Management Planning Rule adopted November 9, 2000. The proposed rule was published December 6, 2002 (67-FR-72770). The proposed changes are a result of a review conducted by Forest Service personnel at the direction of the Office of the Secretary.

The final rule shall respond to internal review and comments received after the draft rule published December 6, 2002. This proposed rule is intended to improve upon the 2000 rule by providing a planning process which is more readily understood, is within the agency's capability to implement, is within anticipated budgets and staffing levels, and recognizes the programmatic nature of planning.

The goal of the Department is to have a revised planning rule in place by the end of the calendar year.

**Timetable:**

Action	Date
NPRM	12/06/02 67 FR 72770
NPRM Comment Period End	03/24/03
Final Action	11/00/03
Final Action Effective	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB86

**240. 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

**Legal Authority:** 42 USC 1421 to 4337

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service plans to issue a final interim directive to the Forest Service Handbook (FSH) 1909.15, chapter 30, which addresses categorical exclusions from requirements to prepare environmental disclosure documents. The proposal would add three categorical exclusions to section 31.2 that are applicable to small timber harvesting projects. These categorical exclusions will not apply where there are extraordinary circumstances, such as adverse effects on threatened and endangered species or their designated critical habitat, wilderness areas, inventoried roadless areas, wetlands, and archeological or historic sites. The intended effect is to facilitate the implementation of limited timber harvest projects that do not have significant effects on the human environment.

In 1999, as a result of a court action, the Forest Service lost the ability to use a categorical exclusion from National Environmental Policy Act (NEPA) documentation for small timber sales. This category was used extensively for small timber sales to remove hazardous trees, treat insect and disease outbreaks, and provide related timber products for local communities. As a consequence, the responsible official must now prepare an environmental assessment (EA) on these small volume timber sales (under 250,000 board feet of green timber or 1 million board feet of salvage timber). This has resulted in a Service-wide increase in environmental analysis costs and delays in beginning and completing these small timber sale projects on the National Forests and Research Experimental Forests. This final interim directive would categorically exclude from documentation in an EA or environmental impact statement (EIS) certain types of small timber sales in the National Forests and Research Experimental Forests and would enable the Agency to accomplish in a more timely and efficient manner the treatment of small fire hazard areas, insect, and disease outbreaks. These categorical exclusions would be added to the existing categories for categorical exclusions in chapter 30 of FSH 1909.15. For convenience and cost savings, the final directive may be issued temporarily as an interim directive to chapter 30 of FSH 1909.15 but would be incorporated as an amendment as soon as there are sufficient other changes to the chapter

to warrant revision of the entire chapter.

**Timetable:**

Action	Date
NPRM	01/08/03 68 FR 1026
NPRM Comment Period End	03/10/03
Final Action	09/00/03
Final Action Effective	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB88

**241. NOTICE, COMMENT, AND APPEAL PROCEDURES FOR PROJECTS AND ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 472; 16 USC 551; PL 102-381, sec 322 (Appeal Reform Act); 106 Stat 1419 (16 USC 1612 note)

**CFR Citation:** 36 CFR 215 (Revision)

**Legal Deadline:** None

**Abstract:** In 1992, the Appeal Reform Act mandated the Forest Service to develop appeal regulations for site-specific projects on National Forest System lands. The regulations were promulgated in 1994. Experience has shown there are certain provisions in the regulations that consistently give rise to questions by employees and the public and reduce efficient processing of administrative appeals. This final rule will revise the appeal regulations to bring better focus to public participation and to improve consistency in the application of this regulation, both of which are expected to result in improved efficiency of the appeals process for the public and the Government.

**Timetable:**

Action	Date
NPRM	12/18/02 67 FR 77451



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## Final Rule Stage

Action	Date
NPRM Comment Period End	02/18/03
Final Action	07/00/03
Final Action Effective	08/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB89

## 242. 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 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). 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. The Agency has decided to move ahead with adoption of the changes to FSM chapter 7710. The issues regarding interim protection of roadless areas will be handled as changes to chapter 1920.

**Timetable:**

Action	Date
NPRM	12/20/01 66 FR 65796
NPRM Comment Period End	02/19/02
Final Action	06/00/03

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB90

## 243. FOREST LAND ENHANCEMENT PROGRAM

**Priority:** Other Significant**Legal Authority:** PL 107-171**CFR Citation:** 36 CFR 230, subpart C (New)**Legal Deadline:** None

**Abstract:** This interim rule is needed to implement 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 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.

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 non-industrial private forestland; 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 non-industrial 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 interim rule is being drafted in consultation with other State and Federal Government partners. The FLEP steering committee includes representatives from State forestry agencies, the Cooperative State Research, Education and Extension Service, and the Office of General Council. The Technical Committee that is drafting the interim rule is comprised of national and regional Forest Service representatives, as well as State forestry staff from across the country. Every State forester will have an opportunity to review and provide input to the interim rule before it is finalized and submitted for clearance. Other government and non-government partners will also have this opportunity.

**Timetable:**

Action	Date
Interim Final Rule	05/00/03

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## Final Rule Stage

Action	Date
Interim Final Rule	07/00/03
Comment Period End	
Final Action	05/00/04
Final Action Effective	06/00/04

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

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

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&amp;R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

RIN: 0596-AB95

**244. 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.

**Timetable:**

Action	Date
Interim Final Rule	12/00/03

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

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&amp;R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

RIN: 0596-AB96

**245. NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION NEEDED FOR FIRE MANAGEMENT ACTIVITIES (INTERIM DIRECTIVE TO FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1421 to 4337

CFR Citation: None

Legal Deadline: None

**Abstract:** The Forest Service is issuing an interim directive to Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, chapter 30, which addresses categories of actions that normally do not require either an environmental impact statement or an environmental assessment. The interim directive adds two categories of actions applicable to certain fire management activities, including prevention, mitigation, and emergency stabilization and rehabilitation (or restoration) measures. The objective of these activities for fuels management in areas of wildland-urban interface would be to reduce potential wildland fire intensity to a level where fire suppression forces can safely remain on site during a wildland fire. Hazard reduction treatments would be accomplished using both prescribed fire and mechanical methods (thinning, logging, creating fuelbreaks, and so on).

**Timetable:**

Action	Date
NPRM	12/16/02 67 FR 77038
NPRM Comment Period End	01/03/03

Action	Date
NPRM Comment	01/16/03 68 FR 2309
Period Extended	
NPRM Comment	01/31/03
Period End	
Final Action	05/00/03
Final Action Effective	05/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&amp;R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

RIN: 0596-AB99

**246. • NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING; EXTENSION OF COMPLIANCE DEADLINE FOR SITE-SPECIFIC PROJECTS**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC et seq, 5 USC 301

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 needs 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

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planning regulations to site-specific project decisions. The revised planning rule may not be 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 6-9 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
Interim Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, MS 1134, ATTN: IRM, D&R, 1400 Independence Avenue SW, Washington, DC 20250-1134

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**Related RIN:** Related To 0596-AB86

**RIN:** 0596-AC01

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

## Long-Term Actions

**247. HYDROPOWER APPLICATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 251

**Timetable:**

Action	Date
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	04/00/04
Second NPRM Comment Period End	06/00/04

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andria D. Weeks

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AA47

**248. LANDOWNERSHIP ADJUSTMENTS; CONVEYANCE OF SMALL TRACTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 254

**Timetable:**

Action	Date
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

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AA79

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 223.200

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Andria D. Weeks

Phone: 703 605-4610

Fax: 703 605-5111

Email: aweeks@fs.fed.us

**RIN:** 0596-AB27

**BILLING CODE 3410-11-S**

**Department of Agriculture (USDA)  
Office of Chief Financial Officer (OCFO)**

## Long-Term Actions

**250. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 3017 and 3021

**Timetable:**

Action	Date
NPRM	01/23/02 67 FR 3266
NPRM Comment Period End	03/25/02
Next Action	Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Annie Walker-Bradley

Phone: 202 720-9983

Fax: 202 690-3561

Email: abradley@cfo.usda.gov

**RIN:** 0505-AA11

**BILLING CODE 3410-90-S**

**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**

**Proposed Rule Stage**

**251. GENERAL NONPROCUREMENT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 901 et seq

**CFR Citation:** 7 CFR 3020

**Legal Deadline:** None

**Abstract:** USDA published 7 CFR part 3015, Uniform Federal Assistance Regulations, in 1981 to establish and codify departmentwide policies and standards for administering grants and cooperative agreements to governmental and nongovernmental entities. Since that time, the Office of Management and Budget has led efforts to establish Governmentwide common rules for governmental and nongovernmental recipients of grants and cooperative agreements. Consequently, over the years, USDA has codified its Governmentwide common rules in other parts of title 7 of the CFR. This has resulted in corresponding amendments to part 3015 to revise its scope accordingly. We are proposing to remove part 3015 and to add part 3020 to parts of title 7. We are proposing to include other administrative requirements that were never codified. The alternative would be to continue to work with the disjointed, outdated part 3015. Expected results are that the

new part 3020 will be more clear and concise and will only contain those cross-cutting requirements not included in other USDA departmentwide administrative regulations.

**Timetable:**

Action	Date
NPRM	05/00/03

**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  
 Phone: 202 720-9983  
 Fax: 202 690-3561  
 Email: abradley@cfo.usda.gov

**RIN:** 0503-AA21

**252. • GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL REFERENCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171 Section 9002

**CFR Citation:** 7 CFR 2902

**Legal Deadline:** NPRM, Statutory, October 10, 2002.

**Abstract:** These proposed regulations are for purposes of establishing guidelines for biobased products that would be afforded federal procurement preference. The guidelines would provide for establishment of a new program for the purchase of biobased products by Federal agencies. These purchases are intended to stimulate production of new biobased products and to energize the emerging markets for these products.

**Timetable:**

Action	Date
NPRM	05/00/03

**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 of Energy Policy and New Uses, Washington, DC 20024  
 Phone: 202 401-0532  
 Fax: 202 401-0535  
 Email: mduncan@oce.usda.gov

**RIN:** 0503-AA26

**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**

**Final Rule Stage**

**253. OUTREACH AND ASSISTANCE FOR DISADVANTAGED FARMERS AND RANCHERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 2279(a)

**CFR Citation:** 7 CFR 26

**Legal Deadline:** None

**Abstract:** This rulemaking will remove CFR part 1943, subpart C, "Small Farmer Outreach Training and Technical Assistance Program," under the Farm Service Agency and add new CFR part 26, "Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program," under the Office of the Secretary. The Food, Agriculture, Conservation and Trade Act of 1990, title XXV, section 2501, and the

Department of Agriculture Appropriation Acts provide funding for the "Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Program." These acts provide the Office of Outreach with the authority to make grants and enter into contracts, cooperative agreements, and other agreements with entities to provide outreach, training, and technical assistance; to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches; and increase their participation and accessibility to agricultural programs.

**Timetable:**

Action	Date
NPRM	04/30/01 66 FR 21608

Action	Date
NPRM Comment Period End	05/30/01

Final Action 05/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Herring, Special Outreach Program Coordinator, Department of Agriculture, Office of the Secretary, 1400 Independence Avenue SW, Washington, DC 29259  
 Phone: 202 720-6350  
 Fax: 202 720-7489  
 Email: 2501rfp@usda.gov

**RIN:** 0503-AA22

**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**
**Long-Term Actions****254. • ADJUDICATIONS UNDER SECTION 741****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-277**CFR Citation:** 7 CFR Part 15f**Legal Deadline:** None

**Abstract:** Current regulations do not specify a deadline by which a complainant must seek Administrative Law Judge (ALJ) review of the Section 741 Complainant Request of the Agriculture, Rural Development, Food and Drug Administration, and Related

Appropriations Act, 1999. This action will bring finality to the complaint resolution process by indicating a complainant has 30 days from receipt of a non-settlement notice to file a request for review by an ALJ.

**Timetable:**

Action	Date
Interim Final Rule	02/14/03 68 FR 7411
Interim Final Rule Comment Period End	03/17/03
Final Action	To Be Determined

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

**Agency Contact:** David Winningham, Department of Agriculture, Office of the Secretary, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5212

**RIN:** 0503-AA24
**Department of Agriculture (USDA)**  
**Office of the Secretary (AgSEC)**
**Completed Actions****255. • APPEAL OF ORAL DECISIONS UNDER THE RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301**CFR Citation:** 7 CFR 1.130 to 1.151**Legal Deadline:** None

**Abstract:** The Rules of Practice provide that administrative law judges may orally announce initial decisions. A

party may appeal an oral decision to the judicial officer by filing an appeal with the hearing clerk within 30 days after the administrative law judge orally announces the initial decision.

**Timetable:**

Action	Date
Final Rule	02/07/03 68 FR 6339

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patrice Harps, Deputy Assistant General Counsel, Department of Agriculture, Office of the Secretary, Trade Practices Division, Room 2309 South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-5293

**RIN:** 0503-AA25**BILLING CODE** 3410-90-S
**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**
**Proposed Rule Stage****256. AFFIRMATIVE FAIR HOUSING MARKETING PLAN****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480

**CFR Citation:** 7 CFR 1703 subpart B; 7 CFR 1942 subpart G; 7 CFR 4284 subpart D; 7 CFR 4287, subpart B; 7 CFR 4279, subpart B; 7 CFR 4274, subpart D; 7 CFR 4280, subpart A; 7 CFR 4287, subpart H

**Legal Deadline:** None

**Abstract:** This action will incorporate the requirement for housing-related projects (such as apartment buildings, nursing homes, group homes, and assisted living type facilities) to develop an Affirmative Fair Housing Marketing Plan (plan) when receiving funding from the Intermediary Relending Program, Rural Business Enterprise Grant Program, Rural Business Opportunity Grant Program,

Rural Economic Development Loan and Grant Programs, and the Business and Industry Direct and Guaranteed Loan Programs. The plan will describe strategies to attract applications from all groups in a housing market area and efforts to reach those persons in the market area who traditionally would not be expected to apply for housing. The Rural Housing Service Multifamily Housing Program regulations currently include this borrower requirement.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Nichell Daniels, Loan Specialist, B&I Servicing Branch, Department of Agriculture, Rural

Business-Cooperative Service, Room 6858/Stop 3224, 1400 Independence Avenue SW, Washington, DC 20250-3224  
Phone: 202 690-1754

**RIN:** 0570-AA24**257. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—FINANCING COOPERATIVE STOCK****Priority:** Other Significant**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301**CFR Citation:** 7 CFR 4279, subpart B; 7 CFR 4279, subpart A**Legal Deadline:** None

**Abstract:** The Agency proposes to revise the Business and Industry Program regulations to incorporate additional guidance and eliminate or reduce certain requirements when financing cooperative stock.

## USDA—RBS

## Proposed Rule Stage

**Timetable:**

Action	Date
NPRM	11/00/03
NPRM Comment	01/00/04
Period End	

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

**Agency Contact:** Rick Bonnet, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6849/STOP 3224, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1804  
Email: rick.bonnet@usda.gov

**RIN:** 0570-AA26**258. 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
NPRM	12/00/03
NPRM Comment	02/00/04
Period End	

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

**Agency Contact:** Amy Cavanaugh, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Stop 3225, 1400 Independence Avenue SW, Washington, DC 20250-3225  
Phone: 202 720-1400

**RIN:** 0570-AA28**259. 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
NPRM	09/00/03
NPRM Comment	11/00/03
Period End	

**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  
Phone: 202 205-0056  
Fax: 202 690-3808  
Email: michael.foore@usda.gov

**RIN:** 0570-AA34**260. 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 (the 2002 Farm Bill, copy of relevant provisions attached), 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 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
NPRM	10/00/03
NPRM Comment	12/00/03
Period End	

**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  
Phone: 202 205-0056  
Fax: 202 690-3808  
Email: michael.foore@usda.gov

**RIN:** 0570-AA35**261. • 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**Legal Deadline:** None

**Abstract:** This proposed rule sets forth the policies and procedures for awarding value-added producer grants and grants for establishing pilot agricultural innovation centers

**Timetable:**

Action	Date
NPRM	06/00/03
NPRM Comment	08/00/03
Period End	

## USDA—RBS

## Proposed Rule Stage

**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, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-8460  
Email: james.haskell@usda.gov

**RIN:** 0570-AA40**262. • 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
NPRM	11/00/03
NPRM Comment Period End	01/00/04

**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  
Phone: 202 720-6802  
Email: brenda.griffin2@usda.gov

**RIN:** 0570-AA41**263. • INTERMEDIARY RELENDING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 U.S.C. 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
NPRM	06/00/03
NPRM Comment Period End	08/00/03

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

**Agency Contact:** Diane Berger, Senior Loan Processing Specialist, Department of Agriculture, Rural Business-Cooperative Service, STOP 3225, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2383  
Fax: 202 720-6561  
Email: diane.berger@usda.gov

**RIN:** 0570-AA42

## Department of Agriculture (USDA)

## Final Rule Stage

## Rural Business-Cooperative Service (RBS)

**264. 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
NPRM	12/15/99 64 FR 69937
NPRM Comment Period End	02/14/00
Final Action	07/00/03

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

**Agency Contact:** Patricia Wing, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6867, South Building, STOP 3225, Washington, DC 20250  
Phone: 202 720-9558  
Email: patricia.wing@usda.gov

**RIN:** 0570-AA19**265. ALLOCATION FORMULAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 1940, subpart L**Legal Deadline:** None

**Abstract:** This action will amend existing regulations for allocating program funds among Agency State offices. It will add the Rural Business Opportunity Grant Program and update the formulas used for Rural Business Enterprise Grant and Business and Industry Programs.

## USDA—RBS

## Final Rule Stage

**Timetable:**

Action	Date
NPRM	08/03/00 65 FR 47695
NPRM Comment Period End	10/02/00
Final Action	08/00/03

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

**Agency Contact:** Diane Berger, Senior Loan Processing Specialist, Department of Agriculture, Rural Business-Cooperative Service, STOP 3225, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-2383  
Fax: 202 720-6561  
Email: diane.berger@usda.gov

**RIN:** 0570-AA30

**266. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—DOMESTIC LAMB INDUSTRY ADJUSTMENT ASSISTANCE PROGRAM SET-ASIDE**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301**CFR Citation:** 7 CFR 4279, subpart B**Legal Deadline:** None

**Abstract:** This action provides for a set-aside of \$15 million in Business and Industry Guaranteed Loans in fiscal year (FY) 2001, \$15 million in FY 2002, and \$5 million in FY 2003 to help fund the Domestic Lamb Industry Adjustment Assistance Program. The effective date for the set-aside was September 30, 2000.

**Timetable:**

Action	Date
Interim Final Rule	10/30/00 65 FR 64596
Interim Final Rule Effective	10/30/00
Final Action	08/00/03

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

**Agency Contact:** Rick Bonnet, Loan Specialist, Department of Agriculture, Rural Business-Cooperative Service, Room 6849/STOP 3224, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1804

Email: rick.bonnet@usda.gov

**RIN:** 0570-AA31

**267. 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
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, 1400 Independence Avenue SW, Washington, DC 20250-3225  
Phone: 202 720-1400  
**RIN:** 0570-AA36

**268. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPAND 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 non-rural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

**Timetable:**

Action	Date
Interim Final Rule	10/00/03
Interim Final Rule Comment Period End	12/00/03

**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  
Phone: 202 720-6802  
Email: brenda.griffin2@usda.gov

**RIN:** 0570-AA39



**Department of Agriculture (USDA)**  
**Rural Business-Cooperative Service (RBS)**
**Completed Actions**
**269. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—DEFINITION OF RURAL AND RURAL AREA**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 7 CFR 1980, subpart E; 7 CFR 4279, subpart B

**Completed:**

Reason	Date
Final Action	12/23/02 67 FR 78128

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda Griffin  
 Phone: 202 720-6802  
 Email: brenda.griffin2@usda.gov

**RIN:** 0570-AA38

**BILLING CODE** 3410-XY-S

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**
**Proposed Rule Stage**
**270. 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
NPRM	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB40

**271. 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
NPRM	06/00/03
NPRM Comment Period End	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB59

**272. 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
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB75

**273. 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
NPRM	11/00/03

## USDA—RUS

## Proposed Rule Stage

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB76

**274. 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
NPRM	08/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB77

**275. 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
NPRM	05/00/03

**Regulatory Flexibility Analysis Required: No**

Government Levels Affected: None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB82

**276. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION PURPOSES**

Priority: Other Significant

Legal Authority: PL 107-171

CFR Citation: 7 CFR 1720

Legal Deadline: None

**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
NPRM	05/00/03

**Regulatory Flexibility Analysis Required: Undetermined**

Government Levels Affected: Undetermined

Federalism: Undetermined

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

RIN: 0572-AB83

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**

Final Rule Stage

**277. SETTLEMENT OF DEBT****Priority:** Other Significant**Legal Authority:** 7 USC 901 to 950b; 7 USC 1981; PL 99-591; PL 103-354**CFR Citation:** 7 CFR 1717**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) proposes to amend its debt settlement procedures to allow its Administrator to modify the requirements borrowers must meet to receive debt settlements. Currently, all borrowers must meet the same requirements regardless of the amount of debt or other circumstances. The intent of the proposed change is to facilitate debt settlements where the RUS Administrator determines that the Government's interest in the debt can still be protected without having the borrower meet each of the current requirements. Such determinations would be made on a case-by-case basis. While the change is expected to improve the efficiency of debt settlements, it is not intended to alter the basic outcome of such settlements.

**Timetable:**

Action	Date
Direct Final Rule	08/00/03

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB61**278. 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
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	08/00/03

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB67**279. TELECOMMUNICATIONS PROGRAM SPECIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1755**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) is proposing to amend its regulations to change the manner in which it publishes the specifications that products need to meet for their use in telecommunications systems of RUS borrowers. The specifications are currently published in the text of the CFR. This proposed rule would eliminate this unnecessary and burdensome publication in the CFR.

**Timetable:**

Action	Date
Direct Final Rule	06/00/03

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence

Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB69**280. 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
Final Action	08/00/03

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

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB72**281. ENVIRONMENTAL POLICIES AND PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 901 to 950b; PL 103-354; 7 USC 6941 et seq**CFR Citation:** 7 CFR 1794**Legal Deadline:** None

**Abstract:** Based on a greater use of small-scale and distribution generation, RUS' experience, and review of its

## USDA—RUS

## Final Rule Stage

existing procedures, RUS has determined that several changes are necessary for its environmental process to operate in a more effective and efficient manner.

**Timetable:**

Action	Date
NPRM	01/15/03 68 FR 1988
NPRM Comment Period End	02/14/03
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB73

**282. SEISMIC SAFETY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 42 USC 7701 et seq

**CFR Citation:** 7 CFR 1792-C

**Legal Deadline:** None

**Abstract:** The revision to the existing CFR is made to update the requirements of the Agency. The direct final rule provides RUS borrowers, grant recipients, Rural Telephone Bank (RTB) borrowers, and the public with updated rules for compliance with seismic safety requirements for new building construction using RUS or RTB loan, grant, or guaranteed funds or funds provided through lien accommodations or subordinations approved by RUS or RTB.

**Timetable:**

Action	Date
Direct Final Rule	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB74

**283. EXTENSIONS OF PAYMENTS OF PRINCIPAL AND INTEREST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

**CFR Citation:** 7 CFR 1721

**Legal Deadline:** None

**Abstract:** RUS will amend the regulation to include distributed generation projects. Also, the Agency will impose a maximum interest rate not to exceed more than 3 percent in excess of the RUS borrower's average interest on the notes being deferred. This 3 percent limit would be used to offset all or part of the administrative costs.

**Timetable:**

Action	Date
NPRM	10/08/02 67 FR 62652
NPRM Comment Period End	12/09/02
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB79

**284. USEFUL LIFE OF FACILITY DETERMINATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

**CFR Citation:** 7 CFR 1710

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service will eliminate the requirement to use depreciation rates as found in RUS Bulletin 183-1 for determining the useful life of a facility.

**Timetable:**

Action	Date
NPRM	04/09/02 67 FR 17018
NPRM Comment Period End	05/09/02
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe Jr., Director, Program Development & Reg Analysis, Department of Agriculture, Rural Utilities Service, Room 4034, South Building, 1400 Independence Avenue SW, Washington, DC 20250-1522

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB80

**Department of Agriculture (USDA)  
Rural Utilities Service (RUS)**
**Completed Actions****285. DEMAND SIDE MANAGEMENT AND RENEWABLE ENERGY SYSTEMS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1710

**Completed:**

Reason	Date
Final Action	11/21/02 67 FR 70150

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB65

## USDA—RUS

## Completed Actions

**286. EXEMPTIONS OF RUS OPERATIONAL CONTROLS UNDER SECTION 306E OF THE RE ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 1710**Completed:**

Reason	Date
Final Action	12/23/02 67 FR 70151

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB68**287. RURAL BROADBAND ACCESS LOANS AND LOAN GUARANTEES****Priority:** Other Significant**CFR Citation:** 7 CFR 1738**Completed:**

Reason	Date
Final Action	01/30/03 68 FR 4684

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe

Phone: 202 720-9550

Fax: 202 720-4120

**RIN:** 0572-AB81

BILLING CODE 3410-15-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Natural Resources Conservation Service (NRCS)

**288. EMERGENCY WATERSHED PROTECTION PROGRAM****Priority:** Economically Significant**Legal Authority:** PL 81-516; 33 USC 701; PL 95-334; 16 USC 2203**CFR Citation:** 7 CFR 624**Legal Deadline:** None

**Abstract:** A revision is necessary to incorporate changes in the program, which have resulted from the passage of the 1996 Farm Bill; to fulfill a desire to make the program more responsive and efficient; and to respond to concerns of the public and the Agency. The rule is being reorganized and several items added.

**Timetable:**

Action	Date
NPRM	05/00/03

**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

Email: vcole@usda.gov

**RIN:** 0578-AA30**289. CONSERVATION SECURITY PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 16 USC 3838**CFR Citation:** 7 CFR 1470**Legal Deadline:** None

**Abstract:** Under the Conservation Security Program (CSP) NRCS is authorized to provide financial and technical assistance to owners and operators of agricultural operations to promote conservation and improvement of the quality of soil, water, air, energy, plant and animal life, and other conservation purposes.

**Timetable:**

Action	Date
NPRM	08/00/03

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

**Agency Contact:** Martha Joseph, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, Room 6027-S, P.O. Box 2890, Washington, DC 20013

Phone: 202 720-7157

Fax: 202 720-2143

Email: martha.joseph@usda.gov

**RIN:** 0578-AA36**290. • GRASSLAND RESERVE****Priority:** Other Significant**Legal Authority:** 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
NPRM	05/00/03

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

**Agency Contact:** Mitch Flanagan, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, Washington, DC 20013

Phone: 202 690-5988

Fax: 202 720-4265

Email: mitch.flanagan@usda.gov

**RIN:** 0578-AA38

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**

**Final Rule Stage**

**291. 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
Final Action	05/00/03

**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  
 Phone: 202 690-1588  
 Fax: 202 720-2143  
 Email: floyd.wood@usda.gov

**RIN:** 0578-AA27

**292. ENVIRONMENTAL QUALITY  
 INCENTIVES PROGRAM**

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

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

**Legal Authority:** 16 USC 3839aa

**CFR Citation:** 7 CFR 1466

**Legal Deadline:** None

**Abstract:** Environmental Quality Incentive Program (EQIP) assistance promotes agricultural production and environmental quality as compatible goals, and strives to optimize environmental benefits. Through EQIP,

CCC provides flexible technical, financial, and educational assistance to producers to install and maintain conservation systems that enhance soil, water, air quality, related natural resources, and wildlife while sustaining production of food and fiber. The statutory purposes of EQIP are to promote agricultural production and environmental quality as compatible goals and to optimize environmental benefits.

**Timetable:**

Action	Date
Final Action	05/00/03

**Regulatory Flexibility Analysis  
 Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Whitmore, Acting Director, Conservation Operations Division, Department of Agriculture, Natural Resources Conservation Service, P.O. Box 2890, Washington, DC 20013  
 Phone: 202 720-1845  
 Fax: 202 720-4265  
 Email: charles.whitmore@usda.gov

**RIN:** 0578-AA31

**293. AGRICULTURAL MANAGEMENT  
 ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1524b

**CFR Citation:** 7 CFR 1465

**Legal Deadline:** None

**Abstract:** Through the Agricultural Management Assistance (AMA) program, the Commodity Credit Corporation (CCC) provides financial assistance funds annually to producers in 15 statutorily designated States to construct or improve water management structures or irrigation structures; to plant trees to form windbreaks or to improve water quality; and to mitigate risk through production diversification or resource conservation practices, including soil erosion control, integrated pest management, or transition to organic farming. The AMA Program is applicable in Connecticut, Delaware, Maryland, Massachusetts, Maine, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.

**Timetable:**

Action	Date
Final Action	05/00/03

**Regulatory Flexibility Analysis  
 Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dave Mason, Program Manager, Department of Agriculture, Natural Resources Conservation Service, Conservation Operations Division, P.O. Box 2890, Washington, DC 20013  
 Phone: 202 720-1873  
 Fax: 202 720-4265  
 Email: david.mason@usda.gov

**RIN:** 0578-AA32

**294. 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
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

## USDA—NRCS

## Final Rule Stage

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

**Agency Contact:** Melissa Hammond, Coordinator, Technical Service Providers, Department of Agriculture, Natural Resources Conservation Service, Room 5205-S, P.O. Box 2890, Washington, DC 20013  
Phone: 202 720-6775  
Fax: 202 720-3052  
Email: melissa.hammond@usda.gov

**RIN:** 0578-AA35**295. FARM AND RANCH LANDS PROTECTION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3838i**CFR Citation:** 7 CFR 1491**Legal Deadline:** None

**Abstract:** This program will seek to protect and help farmers and ranchers keep their land in agriculture. The program provides matching funds to State, tribal, local governments, and non-governmental organizations with existing farmland protection programs to purchase conservation easements.

**Timetable:**

Action	Date
Final Action	05/00/03

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

**Agency Contact:** Douglas J. Lawrence, Department of Agriculture, Natural Resources Conservation Service, Washington, DC 20013  
Phone: 202 720-1510  
Fax: 202 720-0745  
Email: doug.lawrence@usda.gov

**RIN:** 0578-AA37

## Department of Agriculture (USDA)

## Long-Term Actions

## Natural Resources Conservation Service (NRCS)

**296. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION****Priority:** Other Significant**CFR Citation:** 7 CFR 12**Timetable:**

Action	Date
Interim Final Rule	09/06/96 61 FR 47019

Action	Date
Interim Final Rule	11/05/96
Comment Period End	
Final Action	To Be Determined

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

**Agency Contact:** Martha Joseph  
Phone: 202 720-7157  
Fax: 202 720-2143  
Email: martha.joseph@usda.gov

**RIN:** 0578-AA17

## Department of Agriculture (USDA)

## Completed Actions

## Natural Resources Conservation Service (NRCS)

**297. CONSERVATION OF PRIVATE GRAZING LAND****Priority:** Other Significant**CFR Citation:** 7 CFR 610**Completed:**

Reason	Date
Final Action	11/12/02 67 FR 68495

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

**Agency Contact:** Charles Whitmore  
Phone: 202 720-1845  
Fax: 202 720-4265  
Email: charles.whitmore@usda.gov

**RIN:** 0578-AA29**BILLING CODE 3410-16-S**

## Department of Agriculture (USDA)

## Final Rule Stage

## Office of Procurement and Property Management (OPPM)

**298. 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
Direct Final Rule	10/00/03

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

**Agency Contact:** Kathleen N. Fay, Property Utilization Specialist,

**USDA—OPPM**

**Final Rule Stage**

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Department of Agriculture, Office of  
Procurement and Property  
Management, Mail Stop 9304, 1400

Independence Avenue SW,  
Washington, DC 20250  
Phone: 202 720-9779

Email: [kathy.fay@usda.gov](mailto:kathy.fay@usda.gov)

**RIN:** 0599-AA10

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