



# Federal Register

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**Monday,  
April 24, 2006**

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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 2006**

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

**ACTION:** Semiannual regulatory agenda.

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

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

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have

been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

**Dated:** February 24, 2006.

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

**Agricultural Marketing Service—Prerule Stage**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1               | National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) ..... | 0581-AB97                    |

**Agricultural Marketing Service—Proposed Rule Stage**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2               | The National Organic Program: Amending the National List (TM-04-01), Crops and Processing .....                              | 0581-AC35                    |
| 3               | Honey Research and Promotion: Packer/Importer Board (FV-03-704) .....  | 0581-AC37                    |
| 4               | Changes in Fees and Hourly Fee Rates for Science and Technology Laboratory Services (ST-05-01) .....                         | 0581-AC48                    |
| 5               | Changes in Fees for Federal Meat Grading and Certification Services (LS-05-05) .....   | 0581-AC49                    |
| 6               | National Organic Program: Sunset (Expiration) of Allowances and Prohibitions Contained on the National List (TM-04-07) ..... | 0581-AC51                    |
| 7               | Standards for Condition of Food Containers (FV-05-332) .....   | 0581-AC52                    |
| 8               | Changes in Fees for Voluntary Federal Dairy Grading and Inspection Services (Fee Increase) (DA-05-04) .....                  | 0581-AC55                    |
| 9               | Federal Processed Fruits and Vegetables, Fee Increase (FV-05-379) .....  | 0581-AC56                    |

**Agricultural Marketing Service—Final Rule Stage**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 10              | Eligibility Requirements for USDA Graded Shell Eggs (PY-98-006) ..... | 0581-AC50                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 11              | Administrative Requirements for Voluntary Shell Egg, Poultry, and Rabbit Grading (PY-02-003) .....                                | 0581-AC25                    |
| 12              | Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04) ..... | 0581-AC26                    |

**USDA****Agricultural Marketing Service—Long-Term Actions (Continued)**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 13              | Perishable Agricultural Commodities Act: Trust Rights (FV-05-373) ..... | 0581-AC53                    |

**Agricultural Marketing Service—Completed Actions**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 14              | Quality Systems Verification Program (LS-02-10) .....   | 0581-AC12                    |
| 15              | The National Organic Program: National List—Crops, Livestock, and Processing (TM-04-04) ..... | 0581-AC38                    |
| 16              | USDA Farmers' Market Operating Procedures (TM-04-09) .....                                    | 0581-AC39                    |
| 17              | Plant Variety Protection (PVP) Certificates: Fee Increase (ST-05-02) .....                    | 0581-AC42                    |
| 18              | California Clingstone Peach Diversion Program (Tree Pull) (FV05-82-01) .....                  | 0581-AC45                    |
| 19              | Fresh Fruits and Vegetables, Increase in Fees (FV-04-310) .....                               | 0581-AC46                    |
| 20              | Update and Clarify a Shell Egg Grading Definition (PY-05-003) .....                           | 0581-AC47                    |
| 21              | National Organic Program: Harvey v. Johanns .....   | 0581-AC54                    |

**Agricultural Research Service—Completed Actions**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 22              | Rules of Conduct at the United States National Arboretum ..... | 0518-AA02                    |

**Farm Service Agency—Prerule Stage**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 23              | Regulations for the United States Warehouse Act; Cotton Loans ..... | 0560-AH48                    |

**Farm Service Agency—Proposed Rule Stage**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 24              | Procurement of Commodities for Foreign Donation ..... | 0560-AH40                    |

**Farm Service Agency—Long-Term Actions**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 25              | Amendments to the Standards for Approval of Warehouses for Commodity Credit Corporation Storage Contracts  | 0560-AE50                    |
| 26              | Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs .....   | 0560-AF60                    |
| 27              | Interest Assistance Program .....  | 0560-AG46                    |
| 28              | Ocean Freight Claims Administrative Appeal Process .....   | 0560-AG49                    |
| 29              | 2002 Farm Bill Regulations—Assistance for Livestock Producers .....  | 0560-AG76                    |
| 30              | Clarification of Informal Appeals Procedures .....   | 0560-AG88                    |
| 31              | Selection of FSA State and County Committees .....   | 0560-AG90                    |
| 32              | Environmental Compliance and Related Concerns .....  | 0560-AH02                    |
| 33              | Retaining Preferred Lender Program (PLP) Status, Processing Loss Claims, Payment of Interest Accrued During Bankruptcy, and Redemption Rights Periods for Guaranteed Loans ..... | 0560-AH07                    |
| 34              | Debt Collection, Debt Settlement, and Assignment of Payments .....   | 0560-AH09                    |
| 35              | Disaster Declaration and Designation .....   | 0560-AH17                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 36              | Planting Reporting for Tropical Crops—Noninsured Crop Disaster Assistance Program .....   | 0560-AH19                    |
| 37              | Conservation Contract Debt Write-Down .....   | 0560-AH23                    |
| 38              | Confidentiality of Conservation Program Information .....   | 0560-AH32                    |
| 39              | Guaranteed Loans—Unauthorized Assistance .....  | 0560-AH34                    |
| 40              | Grains and Similarly Handled Commodities—Marketing Assistance Loans and Loan Deficiency Payments for the 2002 Through 2007 Crop Years ..... | 0560-AH38                    |
| 41              | Guaranteed Farm Loan Fees .....   | 0560-AH41                    |
| 42              | Cooperative Marketing Associations .....  | 0560-AH42                    |
| 43              | Emergency Conservation Program .....  | 0560-AH43                    |
| 44              | Emergency Forestry Conservation Reserve Program .....   | 0560-AH44                    |
| 45              | 2005 Hurricane Disaster Assistance Programs .....   | 0560-AH45                    |
| 46              | Revisions of Delegations of Authority .....   | 0560-AH46                    |
| 47              | Extension of the Milk Income Loss Contract Program .....  | 0560-AH47                    |
| 48              | Percentages for Direct and Counter-Cyclical Program Advance Payments .....  | 0560-AH49                    |
| 49              | Reassignment of Sugar Allocation Shortfalls .....   | 0560-AH50                    |

## Farm Service Agency—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 50              | Payment Limitation and Payment Eligibility; Trade Adjustment Assistance for Farmers ..... | 0560-AH16                    |
| 51              | Policy for Certain Commodities Available for Sale .....                                   | 0560-AH22                    |
| 52              | 2004 Cottonseed Program .....   | 0560-AH29                    |
| 53              | Appraisal Updates .....   | 0560-AH33                    |
| 54              | Extra Long Staple Cotton Prices .....   | 0560-AH36                    |
| 55              | Transfer of Sugar Marketing Allocations .....   | 0560-AH37                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 56              | Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs <b>(Rulemaking Resulting From a Section 610 Review)</b> .....  | 0579-AB24                    |
| 57              | Tuberculosis in Cattle; Import Requirements <b>(Section 610 Review)</b> .....   | 0579-AB44                    |
| 58              | Karnal Bunt Compensation .....  | 0579-AB45                    |
| 59              | Revision of Fruits and Vegetables Import Regulations .....  | 0579-AB80                    |
| 60              | Boll Weevil; Quarantine and Regulations .....   | 0579-AB91                    |
| 61              | Trichinae Certification Program .....   | 0579-AB92                    |
| 62              | Movement of Unroasted Coffee Into Hawaii and Puerto Rico .....  | 0579-AB96                    |
| 63              | Special Need Requests Under the Plant Protection Act .....  | 0579-AB98                    |
| 64              | Standards for Permanent, Privately Owned Horse Quarantine Facilities <b>(Section 610 Review)</b> .....  | 0579-AC00                    |
| 65              | Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities .....   | 0579-AC01                    |
| 66              | Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment <b>(Rulemaking Resulting From a Section 610 Review)</b> ..... | 0579-AC03                    |
| 67              | National Veterinary Accreditation Program <b>(Rulemaking Resulting From a Section 610 Review)</b> .....   | 0579-AC04                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 68              | Phytosanitary Certificates for Imported Fruits and Vegetables .....                                      | 0579-AB18                    |
| 69              | Foot-and-Mouth Disease; Payment of Indemnity .....   | 0579-AB34                    |
| 70              | Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity ..... | 0579-AB35                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 71              | Gypsy Moth; Interstate Movement of Regulated Articles ( <b>Section 610 Review</b> ) .....                                   | 0579-AB55                    |
| 72              | Pine Shoot Beetle Host Material From Canada .....   | 0579-AB76                    |
| 73              | Importation of Small Lots of Seed Without Phytosanitary Certificates .....  | 0579-AB78                    |
| 74              | Importation of Swine and Swine Products From the European Union .....   | 0579-AB79                    |
| 75              | Phytophthora Ramorum; Quarantine and Regulations .....  | 0579-AB82                    |
| 76              | Requirements for Requests To Amend Import Regulations .....   | 0579-AB83                    |
| 77              | Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements ..... | 0579-AB84                    |
| 78              | User Fees for Agricultural Quarantine and Inspection Services .....   | 0579-AB88                    |
| 79              | Viruses, Serums, Toxins, and Analogous Products; Records and Reports .....  | 0579-AB90                    |
| 80              | Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity .....                                    | 0579-AB99                    |
| 81              | Citrus Canker; Compensation for Certified Citrus Nursery Stock .....  | 0579-AC05                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 82              | Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....   | 0579-AA80                    |
| 83              | Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products ..... | 0579-AB97                    |
| 84              | Animal Welfare; Regulations and Standards for Birds .....  | 0579-AC02                    |

## Animal and Plant Health Inspection Service—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 85              | Importation of Fuji Variety Apples From the Republic of Korea .....   | 0579-AA93                    |
| 86              | Importation Prohibitions Because of Bovine Spongiform Encephalopathy .....  | 0579-AB26                    |
| 87              | Animals Destroyed Because of Tuberculosis; Payment of Indemnity .....   | 0579-AB29                    |
| 88              | Importation of Milk and Milk Products From FMD Countries .....  | 0579-AB38                    |
| 89              | Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species ..... | 0579-AB43                    |
| 90              | Methyl Bromide; Authorization as Official Quarantine Use .....  | 0579-AB54                    |
| 91              | Animal Welfare; Regulations and Standards for Birds, Rats, and Mice .....   | 0579-AB69                    |
| 92              | Revision of the Nursery Stock Regulations ( <b>Completion of a Section 610 Review</b> ) .....                                 | 0579-AB85                    |
| 93              | Importation of Boneless Beef from Japan .....   | 0579-AB93                    |
| 94              | Agricultural Inspection and AQI User Fees Along the U.S./Canada Border .....  | 0579-AB94                    |
| 95              | Importation of Beef from Brazil .....   | 0579-AB95                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 96              | CSREES Agricultural Extension Formula Programs—Administrative Provisions .....                  | 0524-AA26                    |
| 97              | CSREES Non-Formula Grant Programs—Administrative Provisions .....                               | 0524-AA28                    |
| 98              | Revised Administrative Provisions—National Research Initiative Competitive Grants Program ..... | 0524-AA32                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 99              | 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                    |
| 100             | Revised Administrative Provisions—Small Business Innovation Research Grants Program .....   | 0524-AA31                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 101             | CSREES Agricultural Research Formula Programs—Administrative Provisions ..... | 0524-AA27                    |
| 102             | Guidelines for Hatch Multistate Research Funds .....                          | 0524-AA29                    |

## Rural Housing Service—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 103             | Civil Rights Compliance Requirements—1901-E to 1940-D .....                                    | 0575-AA83                    |
| 104             | National Flood Insurance Regulations .....   | 0575-AC07                    |
| 105             | Servicing Community Programs Loans and Grants .....  | 0575-AC12                    |
| 106             | Self-Help Technical Assistance Grants .....  | 0575-AC20                    |
| 107             | Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations .....   | 0575-AC27                    |
| 108             | 3550—Direct Single-Family Housing Loans and Grants .....                                       | 0575-AC54                    |
| 109             | Planning and Performing Construction and Other Development .....                               | 0575-AC55                    |
| 110             | Environmental Policies and Procedures .....  | 0575-AC56                    |
| 111             | Community Programs Guaranteed Loans .....  | 0575-AC58                    |
| 112             | Amend 3550—Direct Single-Family Housing Loans and Grants .....                                 | 0575-AC59                    |
| 113             | Section 538 Guaranteed Rural Rental Housing Program Change Annual Guarantee Fee Due Date ..... | 0575-AC62                    |

## Rural Housing Service—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 114             | Multi-Family Housing (MFH) Reinvention ..... | 0575-AC13                    |
| 115             | Guaranteed Single-Family Housing .....       | 0575-AC18                    |
| 116             | Surety Requirements .....                    | 0575-AC63                    |

## Federal Crop Insurance Corporation—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 117             | General Administrative Regulations; Sanctions .....  | 0563-AB73                    |
| 118             | General Administrative Regulations; Actual Production History (APH) .....                                    | 0563-AB83                    |
| 119             | Common Crop Insurance Regulations and Various Crop Insurance Provisions .....                                | 0563-AB96                    |
| 120             | Common Crop Insurance Regulations, Tobacco Crop Insurance Provisions .....                                   | 0563-AB98                    |
| 121             | Common Crop Insurance Regulations, Cabbage Crop Insurance Provisions .....                                   | 0563-AB99                    |
| 122             | Common Crop Insurance Regulations, Cultivated Wild Rice Crop Insurance Provisions .....                      | 0563-AC00                    |
| 123             | Common Crop Insurance Regulations, Florida Citrus Fruit Crop Insurance Provisions .....                      | 0563-AC01                    |
| 124             | Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions .....                   | 0563-AC02                    |
| 125             | Common Crop Insurance Regulations, Mint Crop Insurance Provisions .....                                      | 0563-AC03                    |
| 126             | Common Crop Insurance Regulations, Mustard Crop Insurance Provisions .....                                   | 0563-AC04                    |
| 127             | Common Crop Insurance Regulations, Northern Potato Crop Insurance Provisions .....                           | 0563-AC05                    |
| 128             | General Administrative Regulations; Appeal Procedures and Standards for Approval—Reinsurance Agreement ..... | 0563-AC06                    |

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## Federal Crop Insurance Corporation—Proposed Rule Stage (Continued)

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 129             | Common Crop Insurance Regulations, Walnut Crop Insurance Provisions; Almond Crop Insurance Provisions ..... | 0563-AC08                    |
| 130             | Common Crop Insurance Regulations, Grape and Table Grape Crop Insurance Provisions .....                    | 0563-AC09                    |
| 131             | Common Crop Insurance Regulations, Apple Crop Insurance Provisions .....                                    | 0563-AC10                    |
| 132             | Emergency and Disaster Procedures for Crop Insurance Purposes .....   | 0563-AC11                    |

## Federal Crop Insurance Corporation—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 133             | General Administrative Regulations; Nonstandard Underwriting Classification System ..... | 0563-AB66                    |
| 134             | Common Crop Insurance Regulations, Peanut Crop Insurance Provisions .....                | 0563-AB97                    |
| 135             | Common Crop Insurance Regulations, Basic Provisions; Written Agreements .....            | 0563-AC07                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 136             | United States Standards for Soybeans .....   | 0580-AA90                    |
| 137             | United States Standards for Sorghum .....  | 0580-AA91                    |
| 138             | Fees for Rice Inspection Service .....   | 0580-AA92                    |
| 139             | United States Standards for Rough Rice; United States Standards for Brown Rice for Processing; and United States Standards for Milled Rice ..... | 0580-AA94                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 140             | Clear Title Program; Technical Changes ..... | 0580-AA93                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 141             | Process Verification Service and Associated Fees ..... | 0580-AA85                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 142             | Export Inspection and Weighting Waiver for High Quality Specialty Grains Transported in Containers ..... | 0580-AA87                    |
| 143             | Review Inspection Requirements for Graded Commodities .....  | 0580-AA89                    |

## Food and Nutrition Service—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 144             | Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program ..... | 0584-AB51                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 145             | Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits .....   | 0584-AD12                    |
| 146             | Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers .....  | 0584-AD15                    |
| 147             | Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ..   | 0584-AD25                    |
| 148             | Child Nutrition Programs: National School Lunch Program; Serving Fruits and Vegetables as Afterschool Snacks  | 0584-AD40                    |
| 149             | Data Collection Related to Institutions, Organizations, Sites, and Facilities .....   | 0584-AD43                    |
| 150             | FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns .....   | 0584-AD44                    |
| 151             | Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions .....  | 0584-AD45                    |
| 152             | Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Discretionary WIC Vendor Provisions in the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 ..... | 0584-AD47                    |
| 153             | FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems .....   | 0584-AD48                    |
| 154             | Special Nutrition Programs: Fluid Milk Substitutions .....  | 0584-AD58                    |
| 155             | Nutrition Standards in the National School Lunch and School Breakfast Programs .....  | 0584-AD59                    |
| 156             | Food Distribution Programs—Distributing Agency Evaluations of Non-Commercial Warehousing and Distribution Systems, Cost Comparisons, System Approval and Implementation .....                           | 0584-AD72                    |
| 157             | WIC Farmers' Market Nutrition Program (FMNP): Implementation of the FMNP Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265) and FMNP Funding Formula .....                      | 0584-AD74                    |
| 158             | Food Stamp Program: Expiration of Residual Paper Coupons .....  | 0584-AD75                    |
| 159             | Revisions and Clarifications in Requirements for the Processing of Donated Foods .....  | 0584-AD76                    |
| 160             | Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages .....  | 0584-AD77                    |
| 161             | FSP: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores .....   | 0584-AD78                    |

## Food and Nutrition Service—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 162             | Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Provisions .....   | 0584-AB10                    |
| 163             | Child and Adult Care Food Program: Improving Management and Program Integrity .....   | 0584-AC24                    |
| 164             | Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems .....  | 0584-AC37                    |
| 165             | National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs .....  | 0584-AC72                    |
| 166             | FSP: Civil Rights Data Collections .....  | 0584-AC75                    |
| 167             | Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity .....   | 0584-AC94                    |
| 168             | Special Nutrition Programs: Disclosure of Children's Eligibility Information Under the Child Nutrition Programs .....   | 0584-AC95                    |
| 169             | Special Nutrition Programs: Uniform Federal Assistance Regulations; Nondiscretionary Technical Amendments ...   | 0584-AD16                    |
| 170             | Afterschool Snacks Under the Child and Adult Care Food Program .....  | 0584-AD27                    |
| 171             | FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 .....   | 0584-AD30                    |
| 172             | FSP: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171 .....   | 0584-AD31                    |
| 173             | FSP: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 .....   | 0584-AD32                    |
| 174             | Senior Farmers' Market Nutrition Program (SFMNP) .....  | 0584-AD35                    |
| 175             | Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions .....  | 0584-AD36                    |
| 176             | FSP: Discretionary Quality Control Provisions of Title IV of Public Law 107-171 .....   | 0584-AD37                    |
| 177             | Procurement Requirements for the National School Lunch, School Breakfast, and Special Milk Programs .....   | 0584-AD38                    |
| 178             | District-Wide Use of Provisions 2 and 3 .....   | 0584-AD51                    |
| 179             | Administrative Error Reduction in the School Meals Programs .....   | 0584-AD52                    |
| 180             | State Administrative Expenses .....   | 0584-AD53                    |
| 181             | Applying for Free and Reduced Price Meals in Schools .....  | 0584-AD54                    |
| 182             | Categorical Eligibility and Direct Certification for Free and Reduced Price Meals and Free Milk in Schools .....  | 0584-AD60                    |
| 183             | Revised Verification Procedures in the School Meals Programs .....  | 0584-AD61                    |
| 184             | School Food Safety: Hazard Analysis and Critical Control Point System .....   | 0584-AD65                    |
| 185             | Implementing Provisions of the Child Nutrition and WIC Reauthorization Act of 2004: Disregard of Overpayments in the Child Nutrition Programs .....                               | 0584-AD68                    |
| 186             | Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option for Schools Participating in the National School Lunch Program ..... | 0584-AD70                    |



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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 187             | Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment | 0584-AD71                    |
| 188             | WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions .....  | 0584-AD73                    |
| 189             | FSP: Unauthorized Redemption and Trafficking in Program Benefits .....                                     | 0584-AD79                    |
| 190             | For-Profit Center Participation in the Child and Adult Care Food Program .....                             | 0584-AD80                    |

## Food and Nutrition Service—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 191             | FSP: EBT and Retail Food Stores Provisions of the Farm Security and Rural Investment Act of 2002 .....   | 0584-AD28                    |
| 192             | Severe Need Assistance in the School Breakfast Program .....   | 0584-AD50                    |
| 193             | Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Increasing the Maximum Age for Children in Homeless Shelters That Participate in the CACFP ..... | 0584-AD56                    |
| 194             | National School Lunch Program: Marketing and Sales of Fluid Milk Products in Schools .....   | 0584-AD57                    |

## Food Safety and Inspection Service—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 195             | Performance Standards for Pumped or Massaged Bacon .....  | 0583-AC49                    |
| 196             | Egg Products Inspection Regulations .....   | 0583-AC58                    |
| 197             | Prior Labeling Approval System: Generic Label Approval .....  | 0583-AC59                    |
| 198             | Performance Standard for Chilling of Ready-To-Cook Poultry .....  | 0583-AC87                    |
| 199             | Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States ..... | 0583-AD01                    |
| 200             | Food Defense Plans .....  | 0583-AD06                    |
| 201             | Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls .....   | 0583-AD10                    |
| 202             | Electronic Signatures .....   | 0583-AD14                    |
| 203             | Definitions and Procedures for Determining the Net Weight Compliance of Meat and Poultry Products .....   | 0583-AD17                    |

## Food Safety and Inspection Service—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 204             | Performance Standards for the Production of Processed Meat and Poultry Products .....  | 0583-AC46                    |
| 205             | Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products .....   | 0583-AC60                    |
| 206             | Food Standards; General Principles and Food Standards Modernization .....  | 0583-AC72                    |
| 207             | Performance Criteria for On-Line Antimicrobial Reprocessing of Pre-Chill Poultry Carcasses .....   | 0583-AC73                    |
| 208             | Petitions for Rulemaking .....   | 0583-AC81                    |
| 209             | Classes of Poultry Updating Poultry Class Standards .....  | 0583-AC83                    |
| 210             | Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle .....           | 0583-AC88                    |
| 211             | Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems .....   | 0583-AD00                    |
| 212             | Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle .....   | 0583-AD03                    |
| 213             | Frequency of Foreign Inspection System Supervisory Visits to Certified Foreign Establishments .....  | 0583-AD08                    |
| 214             | Accredited Laboratory Program .....  | 0583-AD09                    |
| 215             | Allowing Bar-Type Cut Turkey Operations To Use J-Type Cut Maximum Line Speeds .....  | 0583-AD18                    |
| 216             | Addition of the People's Republic of China to the List of Countries Eligible To Export Processed Poultry and Poultry Products to the United States ..... | 0583-AD20                    |

## USDA

## Food Safety and Inspection Service—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 217             | Increases in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Years 2006 to 2008 .....       | 0583-AD12                    |
| 218             | Addition of Chile to the List of Countries Eligible To Export Meat and Meat Products to the United States ..... | 0583-AD16                    |
| 219             | Food Labeling; Nutrient Content Claims, Definition of the Term “Healthy” .....                                  | 0583-AD19                    |
| 220             | Ante-Mortem Inspection of Horses .....  | 0583-AD21                    |

## Foreign Agricultural Service—Proposed Rule Stage

| Sequence Number | Title                         | Regulation Identifier Number |
|-----------------|-------------------------------|------------------------------|
| 221             | Quality Samples Program ..... | 0551-AA68                    |

## Foreign Agricultural Service—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 222             | New Provisions and Revisions to Sugar Reexport Programs Under 7 CFR 1530 ..... | 0551-AA65                    |

## Forest Service—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 223             | Indian Allotments on National Forest System Lands .....  | 0596-AA52                    |
| 224             | Species Surplus to Domestic Manufacturing Needs .....  | 0596-AB27                    |
| 225             | Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands .....  | 0596-AB45                    |
| 226             | Law Enforcement Support Activities .....   | 0596-AB61                    |
| 227             | Noncompetitive Sale of Timber; Timber Substitution .....   | 0596-AB70                    |
| 228             | Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions .....  | 0596-AB75                    |
| 229             | Locatable Minerals .....   | 0596-AB98                    |
| 230             | Predator Damage Management (Proposed Directive, Forest Service Manual, Chapter 2320) .....   | 0596-AC22                    |
| 231             | Recreation Event Fees (Proposed Directive, Forest Service Manual, Chapter 2720) .....  | 0596-AC24                    |
| 232             | Outfitter and Guide Special Use Authorizations (Proposed Directives, Forest Service Handbook 2709.11, Chapters 30 and 40) .....  | 0596-AC25                    |
| 233             | Secretary Determination That Domestic Species of Unprocessed Timber Are Surplus to Domestic Needs Within the Zone of Southern California .....                                   | 0596-AC27                    |
| 234             | Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities .....  | 0596-AC28                    |
| 235             | Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires .....   | 0596-AC30                    |
| 236             | Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands .....  | 0596-AC31                    |
| 237             | National Environmental Policy Act (NEPA) Documentation for Sporicide Use on National Forest System Lands (Proposed Directive, Forest Service Handbook 1909.15, Chapter 30) ..... | 0596-AC32                    |
| 238             | Piscicide Applications on National Forest System Lands .....   | 0596-AC33                    |
| 239             | Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations .....   | 0596-AC38                    |
| 240             | Travel Management (Proposed Directives, Forest Service Manual 2300 and 7700) .....   | 0596-AC39                    |
| 241             | Native Plant Materials Policy (Proposed Directive, Forest Service Manual 2070) .....   | 0596-AC44                    |
| 242             | Small Business Administration Timber Sale Set-Aside Program .....  | 0596-AC46                    |

## Forest Service—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 243             | Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts ..... | 0596-AB21                    |

## USDA

## Forest Service—Final Rule Stage (Continued)

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 244             | Special Forest Products and Forest Botanical Products .....   | 0596-AB81                    |
| 245             | National Forest System Land Management Planning Categorical Exclusion (Final Directive, Forest Service Handbook 1909.15, Chapter 30) .....  | 0596-AB86                    |
| 246             | Forest Service Trails Accessibility Guidelines (Final Interim Directive, Forest Service Manual, Chapter 2350) .....   | 0596-AB92                    |
| 247             | Forest Service Outdoor Recreation Accessibility Guidelines (Final Interim Directive, Forest Service Manual, Chapter 2330) .....   | 0596-AB93                    |
| 248             | Delegation of Authority To Approve Free Use by Individuals .....  | 0596-AC09                    |
| 249             | Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003 .....   | 0596-AC15                    |
| 250             | Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts .....  | 0596-AC16                    |
| 251             | Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations .....   | 0596-AC20                    |
| 252             | Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts) .....   | 0596-AC26                    |
| 253             | National Environmental Policy Act (NEPA) Compliance Documentation for Surface Use Plans of Operation for Exploration or Development of an Oil and Gas Lease (Proposed Directive, FSH 1909.15, Ch. 30) ..... | 0596-AC34                    |
| 254             | Advertising and Sponsorship in Connection With Concessions Involving Privately Owned Improvements on National Forest System Lands (Final Directive, Forest Service Manual 2340) .....                       | 0596-AC41                    |
| 255             | Forest Service Renewable Resources Handbook (2409.19), Chapter 60, Stewardship Contracting .....  | 0596-AC45                    |

## Forest Service—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 256             | Community and Private Land Forest Fire Assistance Program .....  | 0596-AB96                    |
| 257             | Grazing Permit Administration (Proposed Directives, Forest Service Handbook 2209.13, Chapters 10 and 20) ..... | 0596-AC12                    |
| 258             | Watershed Forestry Assistance Program (Proposed Directive, Forest Service Manual 3500) .....                   | 0596-AC18                    |
| 259             | Tribal Watershed Forestry Assistance Program (Proposed Directive, Forest Service Manual 3500) .....            | 0596-AC19                    |
| 260             | Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses .....                       | 0596-AC42                    |

## Forest Service—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 261             | Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations .....                  | 0596-AB36                    |
| 262             | Determining Fair Market Value for Recreation Residence Use Authorizations (Final Directives, Forest Service Manuals 2300 and 2700) .....                            | 0596-AB83                    |
| 263             | National Forest System Land Management Planning Directives (Final Directives, Forest Service Manual, Chapter 1330, 1900, and Forest Service Handbook 1909.12) ..... | 0596-AC02                    |
| 264             | Travel Management, Designated Routes, and Areas for Motor Vehicle Use .....   | 0596-AC11                    |
| 265             | Climbing Bolts In Wilderness (Proposed Interim Directive, Forest Service Manual, Chapter 2320) .....  | 0596-AC21                    |
| 266             | Market-Related Contract Term Additions .....  | 0596-AC29                    |
| 267             | Federal Lands Recreation Enhancement Act Implementation .....   | 0596-AC35                    |
| 268             | Wilderness Management (Proposed Directives, Forest Service Manual, Chapter 2320) .....  | 0596-AC36                    |
| 269             | Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Purchaser Elects Government Road Construction .....                                      | 0596-AC40                    |
| 270             | National Forest System Land Management Planning; Applicability to the Tongass National Forest, Alaska .....   | 0596-AC43                    |

**USDA**

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 271             | Voluntary Labeling Program for Designated Biobased Products ..... | 0503-AA28                    |

Office of the Secretary—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 272             | General Nonprocurement Regulations .....                    | 0503-AA21                    |
| 273             | Designation of Biobased Items for Federal Procurement ..... | 0503-AA29                    |

Rural Business-Cooperative Service—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 274             | Business and Industry Guaranteed Loan Program—Financing Cooperative Stock ..... | 0570-AA26                    |
| 275             | Business and Industry Loan Program—Rewrite of Program Regulations .....         | 0570-AA41                    |
| 276             | National Security Emergency .....   | 0570-AA48                    |
| 277             | Equal Opportunity for Religious Organizations .....                             | 0570-AA61                    |
| 278             | Amendment of Guarantee Requirements .....                                       | 0570-AA62                    |

Rural Business-Cooperative Service—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 279             | Rural Economic Development Loan and Grant Program .....  | 0570-AA19                    |
| 280             | Rural Business Investment Program .....  | 0570-AA35                    |
| 281             | B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria .....                                | 0570-AA39                    |
| 282             | Tangible Net Equity .....  | 0570-AA49                    |
| 283             | Business and Industry Guaranteed Loan Program—Implement the Debt Collection Improvement Act (DCIA) of 1996 ..... | 0570-AA54                    |

Rural Business-Cooperative Service—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 284             | Fiscal Transfer Agent—Secondary Market Sales of Guaranteed Loans ..... | 0570-AA47                    |
| 285             | Secondary Market Pooling by Fiscal Transfer Agent .....                | 0570-AA53                    |

Rural Utilities Service—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 286             | Water and Waste Loans and Grants .....                                     | 0572-AC03                    |
| 287             | Specifications for 15, 25, and 35 kV Primary Underground Power Cable ..... | 0572-AC05                    |

**USDA****Rural Utilities Service—Final Rule Stage**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 288             | Telecommunications Standards and Specifications for Materials, Equipment, and Construction ..... | 0572-AB40                    |
| 289             | Servicing of Water Programs Loans and Grants .....   | 0572-AB59                    |
| 290             | Elimination of Subpart M: Operational Controls .....   | 0572-AB97                    |
| 291             | Public Television Station Digital Transition Grant Program .....                                 | 0572-AC02                    |
| 292             | Rural Area Definitions for RUS WEP Programs .....  | 0572-AC04                    |

**Rural Utilities Service—Long-Term Actions**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 293             | Special Equipment Contract (Not Including Installation), RUS Form 398 .....    | 0572-AB76                    |
| 294             | Exemption of Certain Borrowers From Controls .....                             | 0572-AB85                    |
| 295             | Telecommunications System Construction Policies and Procedures .....           | 0572-AB98                    |
| 296             | Lien Accommodations and Subordinations for 100 Percent Private Financing ..... | 0572-AB99                    |
| 297             | Seismic Safety .....   | 0572-AC01                    |

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

| Sequence Number | Title                               | Regulation Identifier Number |
|-----------------|-------------------------------------|------------------------------|
| 298             | Conservation Security Program ..... | 0578-AA36                    |
| 299             | Grassland Reserve Program .....     | 0578-AA38                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 300             | Confidentiality of Conservation Program Information ..... | 0578-AA40                    |

**National Agricultural Statistical Service—Proposed Rule Stage**

| Sequence Number | Title                                   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 301             | Dairy Product Mandatory Reporting ..... | 0535-AA00                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 302             | Agriculture Acquisition Regulation (AGAR): Use of Biobased Materials ..... | 0599-AA12                    |

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

Prerule Stage

**1. NATIONAL ORGANIC PROGRAM:  
 ADD STANDARDS FOR THE ORGANIC  
 CERTIFICATION OF WILD CAPTURED  
 AQUATIC ANIMALS (TM-01-08)**
**Priority:** Other Significant**Legal Authority:** 7 USC 6501 through 6522**CFR Citation:** 7 CFR 205**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is revising regulations pertaining to labeling of agricultural products as organically produced and handled (7 CFR part 205). The term "aquatic animal" will be incorporated in the definition of livestock to establish production and handling standards for operations that capture aquatic animals from the wild. AMS has defined "aquatic animal" as any

finfish or shellfish used for human consumption, whether taken from regulated but free roaming marine and fresh water populations (wild captured) or propagated and raised in a controlled or selected environment (aquaculture). Production standards for operations producing aquatic animals will incorporate requirements for livestock origin, feed ration, health care, living conditions, and recordkeeping. Handling standards for such operations will address prevention of commingling of organically produced commodities and prevention of contact between organically produced and prohibited substances.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| ANPRM  | 12/00/06 |         |

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

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AB97
**Department of Agriculture (USDA)**  
**Agricultural Marketing Service (AMS)**

Proposed Rule Stage

**2. THE NATIONAL ORGANIC  
 PROGRAM: AMENDING THE  
 NATIONAL LIST (TM-04-01), CROPS  
 AND PROCESSING**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6501**CFR Citation:** 7 CFR 205**Legal Deadline:** None

**Abstract:** On December 21, 2000, the Secretary of Agriculture (Secretary) established within the National Organic Program (NOP) the National List. The National List regulations identify synthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. Under the authority of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501 et seq.), the National List can be amended by the Secretary based on proposed amendments developed by the National Organic Standards Board (NOSB). This proposed rule would amend the National List to reflect recommendations submitted to the Secretary by the NOSB from November 15, 2000, through March 3, 2005. Between the specified time period, the NOSB has recommended that the Secretary add 4 substances to section 205.601 and 11 substances to section 205.605 of the National List regulations. This proposed rule would also amend the mailing address for where to file

a Certification or Accreditation appeal pursuant to section 205.681(d).

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

**Regulatory Flexibility Analysis  
 Required:** Yes

**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State, Tribal

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

**Abstract:** The U.S. Department of Agriculture (Department) received a

request from the National Honey Packers and Dealers Association (Association), dated July 8, 2003, to develop an industry-funded research, promotion, consumer education, and information program for honey and honey products. The Association asked that this proposal be held and not sent forward until the industry made some modifications to the proposal. A new proposal is to be received by the Department in February 2006. This proposed new program, the Honey Research, Promotion, and Consumer Education and Industry Order (Order), will assist the honey industry to: (1) Develop and finance an effective and coordinated program to strengthen the position of the honey industry and (2) Maintain, develop, and expand existing markets for honey and honey products. Under the proposed Order, first handlers (packers) and importers of 250,000 or more pounds of honey and honey products would pay an assessment of \$0.01 per pound to the National Honey Packers and Importers Board (Board). At this initial rate, revenue for the program would be approximately \$3 million. Of this amount, about 51 percent would be generated by assessments on imported honey and honey products. The Board would be appointed by the Department to conduct a program of research and promotion, industry information, and consumer information needed to

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## Proposed Rule Stage

strengthen and increase the consumption of honey and honey products in the United States.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0581-AC37

#### 4. CHANGES IN FEES AND HOURLY FEE RATES FOR SCIENCE AND TECHNOLOGY LABORATORY SERVICES (ST-05-01)

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is proposing to increase the standard hourly fee rates for performing laboratory testing to the agricultural industry by 24.4 percent. The hourly rate for each regular laboratory analysis will be based on a standard hourly rate of \$56.00. The premium laboratory rate for appeals, holiday, and overtime services will be \$84.00 per analysis hour. The current standard hourly rate of \$45.00 has been in effect since October 2000. The Science and Technology laboratory testing programs are mainly voluntary, user fee services, conducted under the authority of the Agricultural Marketing Act of 1946. A new fee schedule is needed to cover increased program costs such as employee salary and fringe benefits, infrastructure modernization, and to replace outdated instrumentation.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James V. Falk, Docket Manager, Department of Agriculture, Agricultural Marketing Service, USDA, AMS, Science and Technology, Technical Services Branch, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AC48

#### 5. CHANGES IN FEES FOR FEDERAL MEAT GRADING AND CERTIFICATION SERVICES (LS-05-05)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 54

**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/29/06 | 71 FR 15631 |
| NPRM Comment Period End | 05/30/06 |             |
| Final Action            | 08/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, L&S, Meat Grading Branch, STOP 0248, Room 2628-South, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AC49

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 205

**Legal Deadline:** None

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

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

Expiration of the exempted or prohibited use of substances is provided for under the OFPA's sunset provision. AMS will conduct informal rulemaking to facilitate the sunset review of 165 exempted and 9 prohibited substances currently on the National List. On June 17, 2005, AMS published an ANPRM that establishes October 21, 2007, as the date by which the sunset review and renewal process must be concluded. This ANPRM discussed how the NOP will manage the sunset review and renewal process. The ANPRM also began the public comment process on whether the

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existing specific exemptions or prohibitions on the National List should be continued for organic production and handling. The comment period for the ANPRM closed on August 16, 2005. The NOSB will have approximately 90 days from the close of the comment period to provide a recommendation to AMS concerning the continued use and prohibition of over 150 materials. AMS expects to publish a proposed rule by March 2006.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

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

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0581-AC51**7. STANDARDS FOR CONDITION OF FOOD CONTAINERS (FV-05-332)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1622 through 1624**CFR Citation:** 7 CFR 42**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) is proposing to revise regulations pertaining to 7 CFR part 42, Standards for Condition of Food Containers. Periodically, AMS reviews inspection standards to determine if they meet current industry practices. Based on our most recent analysis, we believe that the standards need to be revised. The revisions are necessary in order to provide standards that reflect current U.S. industry practices. Revisions to the standards include, but are not limited to: (1) Incorporating new defects and updating current defects for metal, glass, rigid and semi-rigid, and flexible containers; (2) Updating the standards to include new packaging technology such as aseptic packaging, metal cans with easy open lids, plastic rings that hold several

containers together; and (3) Removing the Operating Characteristic (OC) curves for on-line sampling and inspection.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 04/00/06 |         |
| Final Action | 08/00/06 |         |

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

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**RIN:** 0581-AC52**8. • CHANGES IN FEES FOR VOLUNTARY FEDERAL DAIRY GRADING AND INSPECTION SERVICES (FEE INCREASE) (DA-05-04)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1621 through 1627**CFR Citation:** 7 CFR 54; 7 CFR 58**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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Email: john.mengel@usda.gov

**RIN:** 0581-AC55**9. • FEDERAL PROCESSED FRUITS AND VEGETABLES, FEE INCREASE (FV-05-379)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621; 7 USC 1627**CFR Citation:** 7 CFR 52**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service is proposing to raise fees contained in 7 CFR part 52, Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products. The proposed fee increase ranging from 19 to 26 percent will increase revenue by \$2.0 million in fiscal year (FY) 2006. Also, planned fee increases during FY 2007 to FY 2009 will enable AMS to replenish program reserves to a 4.1 month level, approximately \$6.4 million, by the end of FY 2009. Furthermore, it is proposed that an applicant entering into a year-round inspection contract will incur costs for the plant survey and sanitation inspection. This would increase program revenue by approximately \$143,400 annually. Finally, it is proposed that an applicant entering into a year-round inspection contract, less than year-round (four or more consecutive 40-hour weeks) contract, or lot inspection will incur costs for Sunday differential if an employee works on Sunday. This would increase program revenue by approximately \$34,724 annually.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

**Agency Contact:** Terry B. Bane, Branch Chief, Department of Agriculture, Agricultural Marketing Service, 1400



## USDA—AMS

## Proposed Rule Stage

Independence Avenue SW,  
Washington, DC 20250

Phone: 202 720-4693

Email: terry.bane@usda.gov

RIN: 0581-AC56

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

## Final Rule Stage

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 56

**Legal Deadline:** None

**Abstract:** Shell egg grading is a voluntary program provided under the Agricultural Marketing Act of 1946 and is offered on a fee-for-service basis. It is designed to assist the orderly marketing of shell eggs by providing for the official certification of egg quality, quantity, size, temperature, packaging, and other factors. Currently about one-third of the Nation's table eggs are marketed under the voluntary shell egg-grading program. Shell egg processors

that choose to use this service pay a fee to have graders in their plants monitor processing operations and verify the grade and size of eggs packaged into packages bearing the USDA grade shield. The proposal would provide that, in order to be officially identified with a USDA consumer grade shield, shell eggs must not be more than 15 days old (or some other period between 15 and 30 days if justified by public comment) and must not have been previously shipped for retail sale.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/27/99 | 64 FR 40522 |
| NPRM Comment<br>Period End | 09/27/99 |             |
| Final Action               | 05/00/06 |             |

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David Bowden, Jr.,  
Chief, Standardization Branch, Poultry  
Programs, Department of Agriculture,  
Agricultural Marketing Service, 1400  
Independence Avenue SW,  
Washington, DC 20250-0259  
Phone: 202 720-3506  
Fax: 202 690-0941  
Email: david.bowden@usda.gov

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

**RIN:** 0581-AC50

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

## Long-Term Actions

**11. ADMINISTRATIVE REQUIREMENTS  
FOR VOLUNTARY SHELL EGG,  
POULTRY, AND RABBIT GRADING  
(PY-02-003)**

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

| Action                     | Date         | FR Cite    |
|----------------------------|--------------|------------|
| NPRM                       | 01/13/06     | 71 FR 2168 |
| Correction                 | 01/25/06     | 71 FR 4056 |
| NPRM Comment<br>Period End | 02/13/06     |            |
| Next Action                | Undetermined |            |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Johnson  
Phone: 202 690-3153  
Fax: 202 690-2746  
Email: charles.johnson@usda.gov

**RIN:** 0581-AC25

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

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

**CFR Citation:** 7 CFR 60

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| NPRM  | 10/30/03 | 68 FR 61944 |
| NPRM Comment<br>Period End                  | 12/29/03 |             |
| Interim Final Rule                          | 10/05/04 | 69 FR 59708 |
| Interim Final Rule<br>Comment Period<br>End | 01/03/05 |             |
| Interim Final Rule<br>Effective             | 04/04/05 |             |
| Final Action                                | 09/00/08 |             |

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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

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

**RIN:** 0581-AC26

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 46

**Timetable:**

| Action                      | Date         | FR Cite    |
|-----------------------------|--------------|------------|
| ANPRM                       | 01/30/06     | 71 FR 4831 |
| ANPRM Comment<br>Period End | 03/16/06     |            |
| Next Action                 | Undetermined |            |

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Bruce W. Summers  
Phone: 202 720-4180

## USDA—AMS

## Long-Term Actions

Fax: 202 690-4413  
 Email: bruce.summers@usda.gov  
 RIN: 0581-AC53

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

## Completed Actions

**14. QUALITY SYSTEMS VERIFICATION PROGRAM (LS-02-10)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 62

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 10/11/05 | 70 FR 58969 |
| Final Action Effective | 10/25/05 |             |

**Regulatory Flexibility Analysis  
 Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** James L. Riva

Phone: 202 720-1124

Fax: 202 690-3428

Email: james.riva@usda.gov

**RIN:** 0581-AC12

**15. THE NATIONAL ORGANIC PROGRAM: NATIONAL LIST—CROPS, LIVESTOCK, AND PROCESSING (TM-04-04)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 205

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 01/31/06 |         |

**Regulatory Flexibility Analysis  
 Required:** Yes

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

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

**Agency Contact:** Mark A. Bradley

Phone: 202 720-3252

Fax: 202 205-7808

Email: mark.bradley@usda.gov

**RIN:** 0581-AC38

**16. USDA FARMERS' MARKET OPERATING PROCEDURES (TM-04-09)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 96

**Completed:**

| Reason                 | Date     | FR Cite      |
|------------------------|----------|--------------|
| Final Action           | 12/23/05 | 70 CFR 76129 |
| Final Action Effective | 12/23/05 |              |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Errol R. Bragg

Phone: 202 720-8317

Fax: 202 690-0031

Email: usdafmcomments@usda.gov.

**RIN:** 0581-AC39

**17. PLANT VARIETY PROTECTION (PVP) CERTIFICATES: FEE INCREASE (ST-05-02)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 97

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 09/16/05 | 70 FR 54609 |
| Final Action Effective | 10/17/05 |             |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janice M. Strachan

Phone: 301 504-5518

Fax: 301 504-5291

Email: janice.strachan@usda.gov

**RIN:** 0581-AC42

**18. CALIFORNIA CLINGSTONE PEACH DIVERSION PROGRAM (TREE PULL) (FV05-82-01)**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 82

**Completed:**

| Reason       | Date     | FR Cite      |
|--------------|----------|--------------|
| Final Action | 11/04/05 | 70 CFR 67305 |

**Regulatory Flexibility Analysis  
 Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael V. Durando

Phone: 202 720-2491

Fax: 202 720-8938

**RIN:** 0581-AC45

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 51

**Completed:**

| Reason                                 | Date     | FR Cite     |
|--|----------|-------------|
| Reopening and extending comment period | 10/20/05 | 70 FR 61068 |
| Final Action                           | 12/28/05 | 70 FR 76671 |
| Final Action Effective                 | 01/27/06 |             |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rita Bibbs-Booth

Phone: 202 720-0391

Fax: 202 720-5136

Email: rita.bibbs-booth@usda.gov

**RIN:** 0581-AC46

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

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 03/13/06 | 71 FR 12613 |
| Final Action Effective | 04/12/06 |             |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charles L. Johnson

Phone: 202 720-3271

**RIN:** 0581-AC47

## USDA—AMS

## Completed Actions

**21. NATIONAL ORGANIC PROGRAM:  
HARVEY V. JOHANNIS****Priority:** Other Significant**CFR Citation:** 7 CFR 205**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 01/31/06 |         |

**Regulatory Flexibility Analysis  
Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Mark A. Bradley

Phone: 202 720-3252

Fax: 202 205-7808

Email: mark.bradley@usda.gov

**RIN:** 0581-AC54**BILLING CODE** 3410-02-S**Department of Agriculture (USDA)  
Agricultural Research Service (ARS)**

## Completed Actions

**22. RULES OF CONDUCT AT THE  
UNITED STATES NATIONAL  
ARBORETUM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 500**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 09/23/05 | 70 FR 55706 |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dana Laster

Phone: 202 245-4539

**RIN:** 0518-AA02**BILLING CODE** 3410-03-S**Department of Agriculture (USDA)  
Farm Service Agency (FSA)**

## Prerule Stage

**23. ● REGULATIONS FOR THE  
UNITED STATES WAREHOUSE ACT;  
COTTON LOANS****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Legal Authority:** 7 USC 514**CFR Citation:** 7 CFR 1425**Legal Deadline:** None**Abstract:** The Farm Service Agency  
(FSA) and the Commodity Credit  
Corporation (CCC) are solicitingcomments and views on whether to  
revise the regulations at 7 CFR parts  
735 and 1427 for the purpose of  
addressing the storage of upland cotton  
and its impact on loan eligibility.**Timetable:**

| Action                      | Date             | FR Cite    |
|-----------------------------|------------------|------------|
| ANPRM                       | 02/13/06         | 71 FR 7445 |
| ANPRM Comment<br>Period End | 04/14/06         |            |
| NPRM                        | To Be Determined |            |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Phillip Elder,  
Agricultural Economist, Department of  
Agriculture, Farm Service Agency, 1400  
Independence Avenue SW,  
Washington, DC 20250

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560-AH48**Department of Agriculture (USDA)  
Farm Service Agency (FSA)**

## Proposed Rule Stage

**24. ● PROCUREMENT OF  
COMMODITIES FOR FOREIGN  
DONATION****Priority:** Other Significant**Legal Authority:** 7 USC 1431; 7 USC  
1721; 15 USC 714b**CFR Citation:** 7 CFR 1496**Legal Deadline:** None**Abstract:** This rule proposes new  
procedures to be used by the  
Commodity Credit Corporation (CCC) in  
the evaluation of bids in connection  
with the procurement of commodities  
for donation overseas. This proposed  
rule would enhance bidding  
opportunities for potential vendorswhile allowing CCC to more efficiently  
acquire commodities. In general, CCC  
proposes to amend the existing  
regulations to provide for the  
simultaneous review of commodity and  
ocean freight offers when evaluating  
lowest landed cost options in  
connection with the procurement of  
commodities.**Timetable:**

| Action                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| NPRM                            | 12/16/05 | 70 FR 74717 |
| NPRM Comment<br>Period End      | 01/17/06 |             |
| NPRM Comment<br>Period Extended | 01/23/06 | 71 FR 3442  |

| Action         | Date             | FR Cite |
|----------------|------------------|---------|
| Public Meeting | 02/21/06         |         |
| Second NPRM    | To Be Determined |         |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Phillip Elder,  
Agricultural Economist, Department of  
Agriculture, Farm Service Agency, 1400  
Independence Avenue SW,  
Washington, DC 20250

Phone: 202 690-8104

Fax: 202 720-5233

## USDA—FSA

## Proposed Rule Stage

Email: phillip\_elder@wdc.usda.gov

RIN: 0560—AH40

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

## Long-Term Actions

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

Priority: Substantive, Nonsignificant

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

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

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0560—AE50

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

Priority: Other Significant

CFR Citation: 7 CFR 7; 7 CFR 18

**Timetable:**

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

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig  
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Email: tom.witzig@usda.gov

RIN: 0560—AF60

**27. INTEREST ASSISTANCE  
PROGRAM**

Priority: Other Significant

CFR Citation: 7 CFR 762

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/22/05 | 70 FR 36055 |
| Correction   | 08/11/05 | 70 FR 46799 |
| NPRM Comment | 09/06/05 |             |
| Period End   |          |             |
| Final Action | To Be    | Determined  |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig  
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RIN: 0560—AG46

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

Priority: Other Significant

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

| Action       | Date         | FR Cite    |
|--------------|--------------|------------|
| NPRM         | 03/03/03     | 68 FR 9944 |
| NPRM Comment | 04/02/03     |            |
| Period End   |              |            |
| Next Action  | Undetermined |            |

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig  
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Email: tom.witzig@usda.gov

RIN: 0560—AG49

**29. 2002 FARM BILL REGULATIONS—  
ASSISTANCE FOR LIVESTOCK  
PRODUCERS**

Priority: Other Significant

CFR Citation: 7 CFR 1439

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig  
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Email: tom.witzig@usda.gov

RIN: 0560—AG76

**30. CLARIFICATION OF INFORMAL  
APPEALS PROCEDURES**

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 780

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Interim Final Rule | 07/27/05 | 70 FR 43262 |
| Interim Final Rule | 09/26/05 |             |
| Comment Period     |          |             |
| End                |          |             |
| Final Action       | To Be    | Determined  |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Phillip Elder  
Phone: 202 690-8104  
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Email: phillip\_elder@wdc.usda.gov

RIN: 0560—AG88

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

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 7; 7 CFR 710

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Notice             | 08/17/04 | 69 FR 51052 |
| Comment Period End | 09/22/04 | 69 FR 56742 |
| Notice             | 01/18/05 | 70 FR 2837  |
| Final Action       | To Be    | Determined  |

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: None

## USDA—FSA

## Long-Term Actions

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AG90

### 32. ENVIRONMENTAL COMPLIANCE AND RELATED CONCERNS

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

**CFR Citation:** 7 CFR 799

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560-AH02

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 762

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/15/05 | 70 FR 47730 |
| NPRM Comment<br>Period End | 10/14/05 |             |
| Final Action               | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560-AH07

### 34. DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS

**Priority:** Other Significant

**CFR Citation:** 7 CFR 792; 7 CFR 1403; 7 CFR 1404

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Related RIN:** Previously reported as 0560-AF22

**RIN:** 0560-AH09

### 35. DISASTER DECLARATION AND DESIGNATION

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 791; 7 CFR 1945

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560-AH17

### 36. PLANTING REPORTING FOR TROPICAL CROPS—NONINSURED CROP DISASTER ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1437

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/03/05 | 70 FR 57520 |
| NPRM Comment<br>Period End | 11/02/05 |             |
| Final Action               | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560-AH19

### 37. CONSERVATION CONTRACT DEBT WRITE-DOWN

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1951; 7 CFR 766

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560-AH23

### 38. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560-AH32

### 39. GUARANTEED LOANS—UNAUTHORIZED ASSISTANCE

**Priority:** Other Significant

**CFR Citation:** 7 CFR 762

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## USDA—FSA

## Long-Term Actions

**Government Levels Affected:** None

**Agency Contact:** Phillip Elder

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Fax: 202 720-5233

Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560-AH34

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

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

**CFR Citation:** 7 CFR 1421

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig

Phone: 202 205-5851

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Email: tom.witzig@usda.gov

**RIN:** 0560-AH38

**41. ● GUARANTEED FARM LOAN FEES**

**Priority:** Other Significant

**Legal Authority:** 7 USC 1981 et seq

**CFR Citation:** 7 CFR 762

**Legal Deadline:** None

**Abstract:** FSA currently charges a fee of 1 percent of the guaranteed amount on all guaranteed Farm Ownership (FO) loans and guaranteed Operating Loans (OL) except (1) where the majority of the FO loan funds are used to refinance an FSA direct loan, (2) on FO loans to applicants involved in the direct beginning farmer down payment program, (3) FO loans made under certain State beginning farmer programs, or (4) OL loans where the borrower receives an interest assistance subsidy. Fees collected offset approximately 65 percent of the subsidy cost of the guaranteed FO program and 23 percent of the subsidy cost of the unsubsidized guaranteed OL program. The proposal will increase the fee to offset 100 percent of the subsidy

cost for FO loans and a majority of the subsidy cost for OL loans.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 690-8104

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Email: phillip\_elder@wdc.usda.gov

**RIN:** 0560-AH41

**42. ● COOPERATIVE MARKETING ASSOCIATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 714b

**CFR Citation:** 7 CFR 1425

**Legal Deadline:** None

**Abstract:** The regulations for Cooperative Marketing Associations have been in effect since 1998. Since that time, cooperatives have undergone modernization of internal financial systems to the extent that some current provisions are outdated. Approved CMAAs are authorized to receive MALs and LDPs on behalf of their Cooperative members. CMAAs then pass the proceeds to members participating in commodity marketing pools. The major change that will be proposed for 7 CFR part 1425 is regarding the provision at 1425.18, which requires that CMAAs distribute MAL and LDP proceeds to members within 15 days of receipt from CCC. However, there's an exception to this rule when loans are redeemed within 15 workdays of the date of the loan. The exception is unclear. It probably made more sense in the days of paper receipts and slower financial transactions. Also, most CMAAs, acting according to IRS guidelines, enter into deferred payment agreements with their members, so funds are not passed within 15 days to members. This creates a conflict with the 15-day rule. CCC would like to eliminate the conflict by removing the 15-day rule, which seems especially unnecessary since MALs and LDPs are made to the CMA (not the producer), and CCC

should not intervene between the Cooperative and their members.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Broadway, Office of Budget and Program Analysis, Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-1272

Fax: 202 690-3673

Email: gvb@obpa.usda.gov

**RIN:** 0560-AH42

**43. ● EMERGENCY CONSERVATION PROGRAM**

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

**Legal Authority:** PL 109-148, Division B

**CFR Citation:** 7 CFR 701

**Legal Deadline:** None

**Abstract:** The 2006 Emergency Appropriations Act provides for assistance under the Emergency Conservation Program for expenses resulting from hurricanes that occurred during the 2005 calendar year, including assistance to nursery, oyster and poultry producers, and non-industrial forest landowners. The legislation provides \$199.8 million to remain available until expended.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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Email: tom.witzig@usda.gov

**RIN:** 0560-AH43

## USDA—FSA

## Long-Term Actions

**44. • EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM**

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

**Legal Authority:** PL 109–148, Division B

**CFR Citation:** 7 CFR 1410

**Legal Deadline:** Final, Statutory, April 1, 2006.

**Abstract:** The 2006 Emergency Appropriations Act provides that, during calendar year 2006, the Secretary shall carry out an emergency pilot program in States that the Secretary determines have suffered damage to merchantable timber in counties affected by hurricanes during the 2005 calendar year. The program will enroll eligible acreage in the Conservation Reserve Program with a 10-year contract. Eligibility is limited to owners and operators of private nonindustrial forest land that experienced a loss of 35 percent or more of merchantable timber in a county affected by hurricanes during the 2005 calendar year. Participants will be required to restore the land and provide temporary vegetative cover. Payments may be either a lump sum or a series of annual payments. The legislation provides \$404.1 million, which may be paid over 10 years, and to remain available until expended.

**Notice and Comment:** The legislation provides that the promulgation of regulations and administration of this program shall be made without regard to the notice and comment provisions of section 553 of title 5, United States Code; the Statement of Policy of the Secretary of Agriculture effective July 24, 1971, relating to notices of proposed rulemaking and public participation in rulemaking; and the Paperwork Reduction Act. Also, the Secretary shall use the authority provided under section 808 of title 5, United States Code, which allows for immediate implementation of a program without the usual 60-day delay for congressional review under the Small Business Regulatory Enforcement and Fairness Act. The regulations will therefore be issued as final.

**Timetable:**

| Action       | Date             | FR Cite |
|--------------|------------------|---------|
| Final Action | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0560–AH44

**45. • 2005 HURRICANE DISASTER ASSISTANCE PROGRAMS**

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

**Legal Authority:** Sec 32 of the Agricultural Adjustment Act of 1935

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This action will provide \$205 million under section 32 of the Agricultural Adjustment Act of 1935 to provide disaster assistance to farmers in Presidentially designated primary counties who suffered crop losses due to hurricanes in 2005.

Four disaster assistance programs will be administered by Farm Service Agency county offices. The Hurricane Indemnity Program will provide a 30 percent additional payment to farmers who have already received a crop insurance or Noninsured Crop Disaster Assistance Program payment. The Livestock Indemnity Program (LIP) will provide 75 percent cost-share for 'lost' livestock. Recipients of LIP cost-share will not be required to replace the lost livestock. The Feed Indemnity Program will provide assistance to livestock producers who suffered feed losses. The Tree Assistance Program will provide 75 percent cost-share for the replanting and rehabilitation (such as pruning or staking) of orchards, vines, and bushes that produce an annual crop. Timber losses are not covered. A fifth program will be in the form of State-directed block grants for aquaculture losses. Total outlays of \$263 million are expected.

**Timetable:**

| Action             | Date             | FR Cite |
|--------------------|------------------|---------|
| Interim Final Rule | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250–0572  
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**RIN:** 0560–AH45

**46. • REVISIONS OF DELEGATIONS OF AUTHORITY**

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

**Legal Authority:** 5 USC 301; 7 USC 6912(a)(1); 3 CFR 1949 to 1953 Comp, p 1024; Reorganization Plan No. 2 of 1953

**CFR Citation:** 7 CFR 2

**Legal Deadline:** None

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

The Secretary of Agriculture previously delegated authority under the Food Secretary Act of 1985, as amended (16 U.S.C. 1231 et seq.) for the Conservation Reserve Program (CRP) to the Under Secretary for Farm and Foreign Agricultural Services (FFAS) under the regulations at 7 CFR 2.16(a)(1)(xviii) and the Under Secretary, FFAS, delegated authority to the Administrator, Farm Service Agency (FSA), under the regulations at 7 CFR 2.42(a)(20). Authority was also delegated for the administration of technical assistance to the Under Secretary for Natural Resources and the Environment (NRE) under the regulations at 7 CFR 2.20(a)(2)(xx) and 2.20(a)(3)(xiii)(B). The Under Secretary, NRE, delegated authority for the administration of technical assistance to the Chief, Forest Service, under the regulations at 7 CFR 2.60(a)(20) and to the Chief, Natural Resources Conservation Service, under the regulations at 7 CFR 2.61(a)(13)(ii).

Section 1 of Public Law 108-498 clarified the availability of technical assistance. Therefore, the delegations of authority from the Secretary to the

## USDA—FSA

## Long-Term Actions

Under Secretary, FFAS, and from the Under Secretary, FFAS, to the Administrator, FSA, are revised to conform to Public Law 108-498 regarding those entities' authority to implement technical assistance. The delegations of authority from the Secretary to the Under Secretary, NRE, and from the Under Secretary, NRE, to the Chief, Forest Service, and to the Chief, Natural Resources Conservation Service, are not changed by this rule.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12291 and 12866. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, Public Law 96-354 et seq., and is therefore exempt from the provisions of that Act.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572  
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Email: tom.witzig@usda.gov

**RIN:** 0560-AH46

**47. • EXTENSION OF THE MILK INCOME LOSS CONTRACT PROGRAM**

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

**Legal Authority:** 7 USC 7981

**CFR Citation:** 7 CFR 1430

**Legal Deadline:** None

**Abstract:** The Farm Service Agency is amending 7 CFR part 1430, subpart B, to extend the effective dates of the Milk Income Loss Contract Program. Recent legislation provides that the program shall be extended through September

30, 2007. Most program provisions will remain the same; however, the percentage rate by which the payment rate is factored will be reduced from 45 percent to 34 percent.

The MILC program was originally authorized by the 2002 Farm Bill to support the dairy industry by providing direct/counter-cyclical style payments to milk producers when the Boston Milk Marketing Order Class I price for fluid milk falls below the benchmark of \$16.94 per cwt. Milk producers receive a payment equal to 45 percent (34% following this rule) of the difference between the benchmark and the Class I price. The payment quantity is per operation and is limited to 2.4 million pounds of milk marketed per fiscal year.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Broadway, Office of Budget and Program Analysis, Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250  
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Email: gvb@obpa.usda.gov

**RIN:** 0560-AH47

**48. • PERCENTAGES FOR DIRECT AND COUNTER-CYCLICAL PROGRAM ADVANCE PAYMENTS**

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

**Legal Authority:** 7 USC 7911

**CFR Citation:** 7 CFR 1412

**Legal Deadline:** None

**Abstract:** This change involves a revision to one section of the CCC's regulations governing Direct and Counter-Cyclical Program advance payment rate percentages at 7 CFR part 1412.502. Specifically, 1412.502 (b) will be revised to designate that advance DCP direct payments will be issued based on 50 percent of the direct payment rate for 2003 through 2005 contracts, 40 percent of the direct payment rate for 2006 contracts, and 22 percent of the direct payment rate

for 2007 contracts as required by the Agricultural Reconciliation Act of 2005.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Geraldine Broadway, Office of Budget and Program Analysis, Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250  
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Jacquelyn C. Chandler, Legislative, Regulatory, and Automated Systems Division, Department of Agriculture, Office of Budget and Program Analysis, 1400 Independence Avenue SW,, Washington, DC 20250  
Phone: 202 720-1272  
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Email: jyc@obpa.usda.gov

**RIN:** 0560-AH49

**49. • REASSIGNMENT OF SUGAR ALLOCATION SHORTFALLS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 7272

**CFR Citation:** 7 CFR 1435

**Legal Deadline:** None

**Abstract:** This rule will amend section 7 CFR 1435.309(e)(1) to add: CCC will analyze market factors such as company-level reasonable ending stocks and transportation restrictions to make determinations as to a company's capacity to fill more allocation. CCC retains a discretionary right to make reassignment decisions based on market needs.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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



## USDA—FSA

## Long-Term Actions

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RIN: 0560-AH50

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**Department of Agriculture (USDA)**  
**Farm Service Agency (FSA)**
**Completed Actions**
**50. PAYMENT LIMITATION AND  
PAYMENT ELIGIBILITY; TRADE  
ADJUSTMENT ASSISTANCE FOR  
FARMERS**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1400

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 12/01/05 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH16

**51. POLICY FOR CERTAIN  
COMMODITIES AVAILABLE FOR SALE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1402

**Completed:**

| Reason       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 11/10/05 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0560-AH22

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**52. 2004 COTTONSEED PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 1427

**Completed:**

| Reason       | Date     | FR Cite    |
|--------------|----------|------------|
| Final Action | 01/26/06 | 71 FR 4231 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH29

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**53. APPRAISAL UPDATES**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 12/21/05 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Phillip Elder  
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**RIN:** 0560-AH33

**54. EXTRA LONG STAPLE COTTON  
PRICES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1427

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 11/07/05 | 70 FR 67342 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH36

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**55. TRANSFER OF SUGAR  
MARKETING ALLOCATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1435

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 03/31/06 | 71 FR 16193 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig  
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**RIN:** 0560-AH37

**BILLING CODE 3410-05-S**

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

**Proposed Rule Stage**

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

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 3

**Legal Deadline:** None

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

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 05/30/02 | 67 FR 37731 |
| ANPRM Comment<br>Period End | 07/29/02 |             |
| NPRM                        | 09/00/06 |             |
| NPRM Comment<br>Period End  | 11/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

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

**RIN:** 0579-AB24

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

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 93

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 12/00/06 |         |
| NPRM Comment<br>Period End | 02/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

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

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

**RIN:** 0579-AB44

**58. KARNAL BUNT COMPENSATION**

**Priority:** Other Significant

**Legal Authority:** 7 USC 7701 to 7712; 7 USC 7781 to 7786

**CFR Citation:** 7 CFR 301

**Legal Deadline:** None

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

that was commingled with wheat grown in regulated areas, and for other parties affected by the Karnal bunt regulations. The payment of compensation is necessary in order to encourage the participation of, and obtain cooperation from, affected individuals in our efforts to contain and reduce the prevalence of Karnal bunt.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 05/01/02 | 67 FR 21561 |
| Interim Final Rule<br>Comment Period<br>End | 07/01/02 |             |
| NPRM  | 09/00/06 |             |
| NPRM Comment<br>Period End                  | 11/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

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

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

**RIN:** 0579-AB45

**59. REVISION OF FRUITS AND VEGETABLES IMPORT REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8311; 21 USC 136 and 136a; 31 USC 9701

**CFR Citation:** 7 CFR 305; 7 CFR 319; 7 CFR 352

**Legal Deadline:** None

**Abstract:** This rule would revise and reorganize the regulations pertaining to the importation of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, update the regulations that apply to importations into territories under U.S. administration, and make various editorial and nonsubstantive changes to regulations to make them easier to use.

## USDA—APHIS

## Proposed Rule Stage

The rule would also make substantive changes to the regulations, including: (1) Establishing criteria within the regulations that, if met, would allow us to approve certain new fruits and vegetables for importation into the United States and to acknowledge pest-free areas in foreign countries without undertaking rulemaking; (2) doing away with the practice of listing specific commodities that may be imported subject to certain types of phytosanitary measures; and (3) providing for the issuance of special use permits for fruits and vegetables. These changes are intended to simplify and expedite our processes for approving certain new imports and pest-free areas while continuing to allow for public participation in the processes. If adopted, the rule would represent a significant structural revision of the fruits and vegetables import regulations and would establish a new process for approving certain new commodities for importation into the United States. It would not, however, allow the importation of any specific new fruits or vegetables, nor would it alter the conditions for importing currently approved fruits or vegetables except as specifically described in this document.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 07/00/06 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**Agency Contact:** Mr. Matthew Rhoads, Regulatory Analyst, Regulatory Analysis and Development, PPD, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 118, Riverdale, MD 20737-1238  
Phone: 301 734-8682

Donna L. West, Senior Import Specialist, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1231  
Phone: 301 734-0627

**RIN:** 0579-AB80**60. BOLL WEEVIL; QUARANTINE AND REGULATIONS****Priority:** Other Significant**Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786**CFR Citation:** 7 CFR 301**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 06/00/06 |         |
| NPRM Comment<br>Period End | 08/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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

**RIN:** 0579-AB91**61. TRICHINAE CERTIFICATION PROGRAM****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317; 7 USC 1622**CFR Citation:** 9 CFR 149; 9 CFR 160 to 161**Legal Deadline:** None

**Abstract:** This action would establish a voluntary Trichinae Certification Program for U.S. pork that has been produced under disease-prevention conditions. Under the proposed program, we would certify pork production sites that follow prescribed good production practices that reduce,

eliminate, or avoid the risk of exposure of animals to the zoonotic parasite *Trichinella spiralis*, a disease of swine. Such a program should enhance the ability of producers to export pork and pork products to overseas markets. This proposed program, which would be funded by program fees, has been developed as a cooperative effort by the U.S. Department of Agriculture, the National Pork Board, and the pork processing industry. If adopted, this program would include those producers who choose to participate in the program, as well as slaughter facilities and other persons that handle or process swine from pork production sites that have been certified under the program.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 09/00/06 |         |
| NPRM Comment<br>Period End | 11/00/06 |         |

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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

**RIN:** 0579-AB92**62. • MOVEMENT OF UNROASTED COFFEE INTO HAWAII AND PUERTO RICO****Priority:** Other Significant**Legal Authority:** 7 USC 450 ; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a**CFR Citation:** 7 CFR 305; 7 CFR 319**Legal Deadline:** None

**Abstract:** This action would amend the regulations for importing coffee in order to allow dried, unroasted coffee to be moved into the State of Hawaii and the Commonwealth of Puerto Rico under certain conditions. All dried, unroasted coffee, as a condition of entry, would have to be inspected and treated, either in its country of export

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or at a port in the continental United States, before it could be moved into Hawaii or Puerto Rico. This action would relieve restrictions on the importation of dried, unroasted coffee while continuing to provide protection against the introduction of plant pests into Hawaii and Puerto Rico.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 09/00/06 |         |
| NPRM Comment<br>Period End | 11/00/06 |         |

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

Undetermined

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

**Agency Contact:** Shirley Wager—Page, Branch Chief, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236  
Phone: 301 734–8453

**RIN:** 0579–AB96**63. • SPECIAL NEED REQUESTS UNDER THE PLANT PROTECTION ACT****Priority:** Other Significant**Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786**CFR Citation:** 7 CFR 301**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/04/06 | 71 FR 16711 |
| NPRM Comment<br>Period End | 06/05/06 |             |

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

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

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

**RIN:** 0579–AB98**64. • STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701**CFR Citation:** 9 CFR 93**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 09/00/06 |         |
| NPRM Comment<br>Period End | 11/00/06 |         |

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

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

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

**RIN:** 0579–AC00**65. • BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES****Priority:** Other Significant**Legal Authority:** 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701**CFR Citation:** 9 CFR 93 to 96**Legal Deadline:** None

**Abstract:** This action would amend the requirements for the importation of certain live ruminants and ruminant products and byproducts from regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 07/00/06 |         |
| NPRM Comment<br>Period End | 09/00/06 |         |

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

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

**Agency Contact:** Karen A. James—Preston, Director, Technical Trade Services Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737  
Phone: 301 734–4356

**RIN:** 0579–AC01

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**66. • IMPORTATION OF PLANTS FOR PLANTING; ESTABLISHING A NEW CATEGORY OF PLANTS FOR PLANTING NOT AUTHORIZED FOR IMPORTATION PENDING RISK ASSESSMENT (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a**CFR Citation:** 7 CFR 319**Legal Deadline:** None

**Abstract:** This action would establish a new category in the regulations governing the importation of nursery stock, also known as plants for planting. This category would list taxa of plants for planting whose importation is not authorized pending risk assessment. In order to determine whether to add a taxon of plants for planting to this category, we would review scientific information other than a pest risk assessment; the types of scientific information we would review would be listed in the regulations. If scientific information other than a pest risk assessment indicated that importation of the taxon of plants for planting posed a potential risk, we would then publish an interim rule adding the taxon to the proposed category and giving the public an opportunity to comment on the change. We would allow foreign governments to request that a pest risk assessment be conducted for a taxon whose importation is not authorized pending risk evaluation. After the pest risk assessment was completed, we would

conduct rulemaking to remove the taxon from the proposed category. We are also proposing to expand the scope of the plants regulated in the plants for planting regulations to include non-vascular plants. These changes would allow us to react more quickly to evidence that a taxon of plants for planting may pose a pest risk while ensuring that our actions are based on scientific evidence.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 12/00/06 |         |
| NPRM Comment<br>Period End | 02/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**Agency Contact:** Arnold T. Tschanz, Senior Import Specialist, Commodity Import Analysis & Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 141, Riverdale, MD 20737-1236  
Phone: 301 734-5306

**RIN:** 0579-AC03**67. • NATIONAL VETERINARY ACCREDITATION PROGRAM (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 8301 to 8317; 15 USC 1828**CFR Citation:** 9 CFR 160 to 162**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 07/00/06 |         |
| NPRM Comment<br>Period End | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

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

**RIN:** 0579-AC04

## Department of Agriculture (USDA)

## Animal and Plant Health Inspection Service (APHIS)

## Final Rule Stage

**68. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES****Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a**CFR Citation:** 7 CFR 319.56 to 319.56-8**Legal Deadline:** None

**Abstract:** Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables

imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This rule would amend our regulations to require that a phytosanitary certificate accompany all fruits and vegetables imported into the United States, with certain exceptions.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/29/01 | 66 FR 45637 |
| NPRM Comment<br>Period End | 10/29/01 |             |
| Final Rule                 | 08/00/06 |             |

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**Agency Contact:** Shirley Wager-Page, Branch Chief, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700

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River Road, Unit 133, Riverdale, MD  
20737-1231  
Phone: 301 734-0627

**RIN:** 0579-AB18

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

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 53

**Legal Deadline:** None

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

#### Timetable:

| Action                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| NPRM                            | 05/01/02 | 67 FR 21934 |
| NPRM Comment<br>Period Extended | 06/28/02 | 67 FR 43566 |
| NPRM Comment<br>Period End      | 07/01/02 |             |
| NPRM Comment<br>Period End      | 07/31/02 |             |
| Final Rule                      | 01/00/07 |             |

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

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

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

**RIN:** 0579-AB34

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

#### Timetable:

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 02/08/02 | 67 FR 5925  |
| Interim Final Rule<br>Comment Period<br>End | 04/09/02 |             |
| NPRM  | 12/24/03 | 68 FR 74513 |
| NPRM Comment<br>Period End                  | 02/23/04 |             |
| Final Action                                | 07/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal, State

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

**Agency Contact:** Dean Goeldner, Staff Veterinarian, National Center for Animal Health Programs, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737-1231  
Phone: 301 736-4916

**RIN:** 0579-AB35

### 71. GYPSY MOTH; INTERSTATE MOVEMENT OF REGULATED ARTICLES (SECTION 610 REVIEW)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

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

**Legal Deadline:** None

**Abstract:** This rule would amend the gypsy moth regulations by removing restrictions on the interstate movement of wood chips, which do not pose a risk of containing gypsy moth egg masses, and by adding restrictions on

the movement and importation of bark and bark products, which pose a risk of containing gypsy moth egg masses. In addition, the rule would extend by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by the Animal and Plant Health Inspection Service, our cooperators, and industry in order to limit the artificial spread of gypsy moth.

#### Timetable:

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 05/23/03 | 68 FR 28157 |
| NPRM Comment<br>Period End | 07/22/03 |             |
| Final Action               | 06/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

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

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

**RIN:** 0579-AB55

### 72. PINE SHOOT BEETLE HOST MATERIAL FROM CANADA

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** This rulemaking would establish restrictions on the importation of pine shoot beetle host material into the United States from Canada. Pine nursery stock, as well as pine products that consist of pine bark or have pine bark attached, would have to meet certain requirements relating to documentation, treatment, handling, and utilization as a condition of importation into the United States from

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Canada. These restrictions are needed to help prevent the introduction and spread of pine shoot beetle, a pest of pine trees, into noninfested areas of the United States.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 10/20/04 | 69 FR 61577 |
| Interim Final Rule<br>Comment Period<br>End | 12/20/04 |             |
| Final Rule                                  | 06/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**Agency Contact:** Frederick A. Thomas, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Unit 160, Riverdale, MD 20737-1236  
Phone: 301 734-8367

**RIN:** 0579-AB76

**73. IMPORTATION OF SMALL LOTS OF SEED WITHOUT PHYTOSANITARY CERTIFICATES**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the nursery stock regulations to allow the importation of small lots of seed under an import permit with specific conditions as an alternative to the current phytosanitary certificate requirement. This proposed change is necessary because several entities that import small lots of seed—individual importers, horticultural societies, arboreta, and small businesses—have had difficulty obtaining the necessary certificates and have been adversely affected by the phytosanitary certificate requirement. The proposed change would make it feasible for those entities to import small lots of seed and would ensure prompt and consistent service for such importers while continuing to protect against the introduction of plant pests into the United States and

providing the Animal and Plant Inspection Service with necessary information about the quality, quantity, and diversity of the imported material.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/29/04 | 69 FR 23451 |
| NPRM Comment<br>Period End | 06/28/04 |             |
| Final Rule                 | 04/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**Agency Contact:** Arnold T. Tschanz, Senior Import Specialist, Commodity Import Analysis & Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 141, Riverdale, MD 20737-1236  
Phone: 301 734-5306

**RIN:** 0579-AB78

**74. IMPORTATION OF SWINE AND SWINE PRODUCTS FROM THE EUROPEAN UNION**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701; 42 USC 4331 to 4332

**CFR Citation:** 9 CFR 93 to 94; 9 CFR 98

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations for importing animals and animal products into the United States to (1) apply a uniform set of importation requirements related to classical swine fever (CSF) to a region consisting of all of the 15 Member States of the European Union (EU) that comprise the EU as of April 30, 2004 (the EU-15), and (2) prohibit for a specified period of time the importation of live swine and swine products from any area in the EU-15 that is identified by the veterinary authorities of the region as a restricted zone.

**Timetable:**

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

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment<br>Period End | 06/07/05 |         |
| Final Rule                 | 05/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** Federal

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

**Agency Contact:** Chip Wells, Senior Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737-1231  
Phone: 301 734-4356

**RIN:** 0579-AB79

**75. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 301

**Legal Deadline:** None

**Abstract:** This action will amend the Phytophthora ramorum regulations to make the regulations consistent with a Federal Order issued by APHIS in December 2004 and that established restrictions on the interstate movement of nursery stock from nurseries in nonquarantined counties in California, Oregon, and Washington. This action will also update conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restrict the interstate movement of all other nursery stock from nurseries in quarantined areas. We are also updating the list of plants regulated because of *P. ramorum* and the list of areas that are quarantined for *P. ramorum* and making other miscellaneous revisions to the regulations. These actions are necessary to prevent the spread of *P. ramorum* to noninfested areas of the United States. We will continue to update the regulations through additional rulemakings as new scientific information on this pathogen becomes available.

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**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 06/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 08/00/06 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Local, State**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Jonathan Jones, National Phytophthora Ramorum Program Manager, Pest Detection and Management Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737

Phone: 301 734-8247

**RIN:** 0579-AB82**76. REQUIREMENTS FOR REQUESTS TO AMEND IMPORT REGULATIONS****Priority:** Other Significant**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a**CFR Citation:** 7 CFR 319**Legal Deadline:** None**Abstract:** This rule would establish regulations governing the submission of requests for changes in our regulations that restrict the importation of plants, plant parts, and plant products. Despite existing non-regulatory guidance on the submission of requests, few applicants provide the basic information we need to properly consider their requests. If adopted, this rule would help ensure that we are provided with the information we need to prepare a risk analysis and/or other analyses that evaluate the risks and other effects associated with a proposed change to the regulations.**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/28/04 | 69 FR 62823 |
| NPRM Comment<br>Period End | 12/27/04 |             |
| Final Action               | 05/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Ronald Sequeira, National Science Program Leader for Risk and Pathway Analysis, CPHST, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 1015 Main Campus Drive, Suite 2500, Raleigh, NC 27602-5202  
Phone: 919 513-2663**RIN:** 0579-AB83**77. INTERSTATE MOVEMENT OF SHEEP AND GOATS; APPROVED LIVESTOCK FACILITIES, IDENTIFICATION, AND RECORDKEEPING REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317**CFR Citation:** 9 CFR 71**Legal Deadline:** None**Abstract:** This rulemaking would amend the regulations regarding the interstate movement of animals to require livestock facilities that handle sheep or goats in interstate commerce to be approved by us. This would include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. Our approval would be contingent on the facility operator meeting certain minimum standards and other conditions relating to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. The standards and other conditions would be based, in part, on recently implemented regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats. This rule would provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/26/04 | 69 FR 52451 |
| NPRM Comment<br>Period End | 10/25/04 |             |
| Final Rule                 | 10/00/06 |             |

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

Phone: 301 734-6954

**RIN:** 0579-AB84**78. USER FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503**CFR Citation:** 7 CFR 354**Legal Deadline:** None**Abstract:** This rule will amend the user fee regulations by adjusting the fees charged for certain agricultural quarantine and inspection (AQI) services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the customs territory of the United States. Due to the events of September 11, 2001, and the resulting increased security concerns, a greater volume and variety of cargo entering the United States is being inspected. The fee adjustments are needed to recover the costs of this increased inspection activity and to account for routine inflationary increases in the cost of doing business. The adjusted AQI user fees will cover fiscal years 2005 through 2010.**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 12/09/04 | 69 FR 71660 |
| Interim Final Rule<br>Effective             | 01/01/05 |             |
| Interim Final Rule<br>Comment Period<br>End | 02/07/05 |             |
| Affirmation of Interim<br>Rule              | 08/00/06 |             |



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**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** William E. Thomas, Director, Quarantine Policy, Analysis and Support Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 60, Riverdale, MD 20737-1236  
Phone: 301 734-8295Donna Ford, Branch Chief, Financial Services Branch, FMD, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 54, Riverdale, MD 20737-1232  
Phone: 301 734-5901**RIN:** 0579-AB88**79. VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; RECORDS AND REPORTS****Priority:** Other Significant**Legal Authority:** 21 USC 151 to 159**CFR Citation:** 9 CFR 101; 9 CFR 116**Legal Deadline:** None**Abstract:** This proposed rule would amend the Virus-Serum-Toxin Act regulations concerning records and reports to require veterinary biologics licensees and permittees to record and submit reports to the Animal and Plant Health Inspection Service (APHIS) concerning adverse events associated with the use of biological products that they produce or distribute. We would specify the information that must be included in the adverse event report and would require veterinary biologics manufacturers to report to APHIS the number of doses of each licensed product that they distribute. These actions would assist APHIS in providing complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document, that contained fewer specifics concerning the information that would have to be recorded in adverse event

reports associated with the use of veterinary biologics that are submitted to the Agency.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/17/05 | 70 FR 48325 |
| NPRM Comment Period End | 10/17/05 |             |
| Final Rule              | 09/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Albert P. Morgan, Chief Staff Veterinarian, VS, Center for Veterinary Biologics, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 148, Riverdale, MD 20737-1237  
Phone: 301 734-8245**RIN:** 0579-AB90**80. • LOW PATHOGENIC AVIAN INFLUENZA; VOLUNTARY CONTROL PROGRAM AND PAYMENT OF INDEMNITY****Priority:** Other Significant**Legal Authority:** 7 USC 8301 to 8317**CFR Citation:** 9 CFR 53; 9 CFR 56; 9 CFR 145 to 147**Legal Deadline:** None**Abstract:** This action will amend the regulations to establish a voluntary program for the control of the H5/H7 subtypes of low pathogenic avian influenza in commercial poultry under the auspices of the National Poultry Improvement Plan (the Plan). The control program was voted on and approved by the voting delegates at the Plan's 2004 National Plan Conference. This action will also provide for the payment of indemnity for costs associated with eradication of the H5/H7 subtypes of low pathogenic avian influenza in both breeding and commercial poultry. The H5/H7 subtypes of low pathogenic avian influenza can mutate into highly pathogenic avian influenza, a disease that can have serious economic and public health consequences. This combination of a control program and indemnity provisions is necessary to help ensure that the H5/H7 subtypes of low pathogenic avian influenza are

detected and eradicated when they occur within the United States.

**Timetable:**

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule                    | 07/00/06 |         |
| Interim Final Rule Comment Period End | 09/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Andrew R. Rorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Department of Agriculture, Animal and Plant Health Inspection Service, 1498 Klondike Road, Suite 101, Conyers, GA 30094-5104  
Phone: 770 922-3496**RIN:** 0579-AB99**81. • CITRUS CANCKER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK****Priority:** Other Significant**Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786**CFR Citation:** 7 CFR 301**Legal Deadline:** None**Abstract:** This rulemaking will amend the citrus canker regulations to establish provisions under which eligible commercial citrus nurseries may, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to eradicate or control citrus canker. The payment of these funds is necessary in order to reduce the economic effects on affected commercial citrus nurseries that have had certified citrus nursery stock destroyed to control citrus canker.**Timetable:**

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule                    | 06/00/06 |         |
| Interim Final Rule Comment Period End | 08/00/06 |         |

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

## USDA—APHIS

## Final Rule Stage

**Government Levels Affected:** Federal, State

**Additional Information:** Additional information about APHIS and its

programs is available on the Internet at <http://www.aphis.usda.gov>.

**Agency Contact:** Stephen R. Poe, Operations Officer, Program Support Staff, PPQ, Department of Agriculture,

Animal and Plant Health Inspection Service, 4700 River Road, Unit 36, Riverdale, MD 20737-1231  
Phone: 301 734-8899

**RIN:** 0579-AC05

## Department of Agriculture (USDA)

## Long-Term Actions

## Animal and Plant Health Inspection Service (APHIS)

### 82. PLANT PEST REGULATIONS; UPDATE OF CURRENT PROVISIONS (SECTION 610 REVIEW)

**Priority:** Other Significant

**CFR Citation:** 7 CFR 330

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 09/27/96 | 61 FR 50767 |
| ANPRM Comment Period End | 12/26/96 |             |
| NPRM                     | 10/09/01 | 66 FR 51340 |
| NPRM Comment Period End  | 02/06/02 |             |

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0579-AA80

### 83. • BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES; UNSEALING OF MEANS OF CONVEYANCE AND TRANSLOADING OF PRODUCTS

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701; 42 USC 4331 and 4332

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

**Legal Deadline:** None

**Abstract:** In a final rule published in the Federal Register on January 4, 2005, we amended the regulations regarding the importation of animals and animal products to establish a category of regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States via live ruminants and ruminant products and byproducts, and added Canada to this category. We also established conditions for the importation of certain live ruminants

and ruminant products and byproducts from such regions. In this document, we are amending the regulations to broaden who is authorized to break seals on means of conveyances carrying certain ruminants of Canadian origin. Additionally, we are amending the regulations regarding the transiting through the United States of certain ruminant products from Canada to allow for direct transloading of the products from one means of conveyance to another in the United States under Federal supervision. These actions will contribute to the humane treatment of ruminants shipped to the United States from Canada and remove an impediment to international trade, without increasing the risk of the BSE disease agent entering the United States.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 11/28/05 | 70 FR 71213 |
| Interim Final Rule Comment Period End | 01/27/06 |             |

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal, State

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

**Agency Contact:** Karen A. James-Preston, Director, Technical Trade Services Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737  
Phone: 301 734-4356

**Related RIN:** Related to 0579-AB73

**RIN:** 0579-AB97

### 84. • ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Farm Security and Rural Investment Act of 2002 amended the definition of animal in the Animal Welfare Act (AWA) by specifically excluding birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research. While the definition of animal in the AWA regulations already excluded rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, that definition also excluded all birds (i.e., not just those birds bred for use in research). In 2004, we amended the definition of animal in the regulations to be consistent with the definition of animal in the AWA by narrowing the scope of the exclusion for birds to only those birds bred for use in research. This rulemaking would establish standards in 9 CFR part 3 for the humane handling, care, treatment, and transportation of birds covered by the AWA regulations. It would also make several changes to the regulations in 9 CFR parts 1 and 2 to make clear when the regulations pertain to covered birds.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

**Agency Contact:** Jerry D. DePoyster, Senior Veterinary Medical Officer,

## USDA—APHIS

## Long-Term Actions

Animal Care, Department of  
Agriculture, Animal and Plant Health

Inspection Service, 4700 River Road,  
Unit 84, Riverdale, MD 20737-1234

Phone: 301 734-7586  
RIN: 0579-AC02

## Department of Agriculture (USDA)

## Completed Actions

## Animal and Plant Health Inspection Service (APHIS)

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

**Priority:** Other Significant

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

**Completed:**

| Reason                                  | Date     | FR Cite |
|---|----------|---------|
| On hold pending further risk assessment | 02/03/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Karen Bedigian  
Phone: 301 734-4382

**RIN:** 0579-AA93

**86. 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)

**Completed:**

| Reason                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Agency considering next steps | 02/03/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Donna L. Malloy  
Phone: 301 734-3277

**RIN:** 0579-AB26

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 50

**Completed:**

| Reason                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Agency considering next steps | 02/03/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael J. Gilsdorf  
Phone: 301 734-6954

**RIN:** 0579-AB29

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

**Priority:** Other Significant

**CFR Citation:** 9 CFR 94

**Completed:**

| Reason                          | Date     | FR Cite |
|---------------------------------|----------|---------|
| On hold pending risk assessment | 02/03/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen A. James-Preston  
Phone: 301 734-4356

**RIN:** 0579-AB38

**89. 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

**Completed:**

| Reason     | Date     | FR Cite |
|------------|----------|---------|
| Close Case | 02/06/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lisa Ferguson  
Phone: 301 734-8073

**RIN:** 0579-AB43

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

**Priority:** Other Significant

**CFR Citation:** 7 CFR 304

**Completed:**

| Reason                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Agency considering next steps | 02/03/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

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

**RIN:** 0579-AB54

**91. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS, RATS, AND MICE**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 3

**Completed:**

| Reason                                    | Date     | FR Cite |
|---|----------|---------|
| Rulemaking proceeding under RIN 0579-AC02 | 02/03/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jerry D. DePoyster  
Phone: 301 734-7586

**Related RIN:** Related to 0579-AB87

**RIN:** 0579-AB69

**92. REVISION OF THE NURSERY STOCK REGULATIONS (COMPLETION OF A SECTION 610 REVIEW)**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** APHIS intends to amend its regulations that govern the importation of nursery stock, also known as plants for planting. Under the current regulations, all plants for planting are allowed to enter the United States if

## USDA—APHIS

## Completed Actions

they are accompanied by a phytosanitary certificate and if they are inspected and found to be free of plant pests, unless their importation is specifically prohibited or further restricted by the regulations. We are considering several possible changes to this approach, including establishing a category in the regulations for plants for planting that would be excluded from importation pending risk evaluation and approval; developing ongoing programs to reduce the risk of entry and establishment of quarantine pests via imported plants for planting; combining existing regulations governing the importation of plants for planting into one subpart; and reevaluating the risks posed by importation of plants for planting whose importation is currently prohibited.

APHIS's first action following an advance notice of proposed rulemaking that discussed this revision will be to publish a proposal establishing a category of plants for planting whose importation is not authorized pending the completion of a risk assessment. The proposal will discuss the types of scientific evidence other than a pest risk assessment that APHIS would use to determine whether to add a taxon of plants for planting to this category.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| ANPRM  | 12/10/04 | 69 FR 71736 |
| ANPRM Comment Period End                       | 03/10/05 |             |
| Comment Period Extended                        | 03/10/05 | 70 FR 11886 |
| Comment Period End                             | 04/11/05 |             |
| Public Meeting and Reopening of Comment Period | 05/02/05 | 70 FR 22612 |
| Comment Period End                             | 06/03/05 |             |
| Rulemaking proceeding under RIN 0579-AC03      | 02/03/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** Additional information about APHIS and its

programs is available on the Internet at <http://www.aphis.usda.gov>.

**Agency Contact:** Arnold T. Tschanz, Senior Import Specialist, Commodity Import Analysis & Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 141, Riverdale, MD 20737-1236

Phone: 301 734-5306

**RIN:** 0579-AB85

**93. IMPORTATION OF BONELESS BEEF FROM JAPAN**

**Priority:** Other Significant

**CFR Citation:** 9 CFR 94

**Completed:**

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 12/14/05 | 70 FR 73905 |
| Final Rule Effective | 12/12/05 |             |

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** None

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

**RIN:** 0579-AB93

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

**Priority:** Other Significant

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

**Completed:**

| Reason                                   | Date     | FR Cite |
|--|----------|---------|
| Agency giving this further consideration | 02/03/06 |         |

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Federal

**Agency Contact:** Alan S. Green  
Phone: 301 734-8261

**RIN:** 0579-AB94

**95. • IMPORTATION OF BEEF FROM BRAZIL**

**Priority:** Other Significant

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701; 42 USC 4331 and 4332

**CFR Citation:** 9 CFR 94

**Legal Deadline:** None

**Abstract:** This proposed action would amend the regulations governing the importation of certain animals, meat, and other animal products to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from Brazil. Based on a recent risk analysis, we believe that fresh (chilled or frozen) beef can be safely imported from a designated region in Brazil provided certain conditions are met. This action would provide for the importation of beef from Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

**Timetable:**

| Action   | Date     | FR Cite |
|--|----------|---------|
| On hold due to an outbreak of foot-and-mouth disease in Brazil | 02/03/06 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Agency Contact:** David Nixon, Staff Veterinarian, Regionalization Evaluation Services (Export), NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737-1231  
Phone: 301 734-4356

**RIN:** 0579-AB95

**BILLING CODE** 3410-34-S

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

**Proposed Rule Stage**

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0524-AA26

**97. CSREES NON-FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** CSREES plans to propose one administrative provision that contains the elements common to all of the competitive and noncompetitive grant programs it administers. In a relatively short period of time, this will allow the Agency to apply basic rules to grant programs that are currently operating without them, including new non-formula grant programs created by the passage of the Farm Security and Rural Investment Act of 2002.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0524-AA28

**98. • REVISED ADMINISTRATIVE PROVISIONS—NATIONAL RESEARCH INITIATIVE COMPETITIVE GRANTS PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 450i(b)

**CFR Citation:** 7 CFR 3411

**Legal Deadline:** None

**Abstract:** The Cooperative State Research, Education, and Extension Service proposes to make three revisions to the "Eligibility requirements" subsection of the administrative provisions for the National Research Initiative Competitive Grants Program (NRICGP).

All three of the proposed changes would impact the eligibility requirements for NRICGP's Agricultural Research Enhancement Awards, which are intended to help institutions develop competitive research programs and to attract scientists to conduct research in the agriculture, food, and environmental sciences. CSREES proposes to change the eligibility requirements for Postdoctoral Fellowships, New Investigator Awards, and Strengthening Awards. The proposed changes will increase the impact of the Agricultural Research Enhancement Awards. The expected results are (1) for Postdoctoral Fellowships, improved funding continuity and potentially more postdoctoral scientists entering into an agricultural research career; (2) for New Investigator Awards, improved project design and increased probability of a successful agricultural research program; and (3) for Strengthening Awards, improved research project continuity and more incentive for researchers to stay at USDA-Experimental Program for Stimulating Competitive Research or small/mid-sized institutions.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 04/00/06 |         |
| Final Action | 07/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0524-AA32

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

**Final Rule Stage**

**99. MATCHING REQUIREMENTS FOR FORMULA FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES AT THE 1890 LAND-GRANT INSTITUTIONS AND AT THE 1862 LAND-GRANT INSTITUTIONS IN INSULAR AREAS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 361a et seq; 7 USC 341 et seq; 7 USC 1449

**CFR Citation:** 7 CFR 3419

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0524-AA25

**100. REVISED ADMINISTRATIVE PROVISIONS—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM**

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

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

**CFR Citation:** 7 CFR 3403

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Winston Sherman, Department of Agriculture, Cooperative State Research, Education, and Extension Service, STOP 2299, 1400 Independence Avenue SW, Washington, DC 20250-2299  
 Phone: 202 401-5061  
 Email: wsherman@csrees.usda.gov

**RIN:** 0524-AA31

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

**Long-Term Actions**

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ellen Danus

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

**RIN:** 0524-AA27

**102. GUIDELINES FOR HATCH MULTISTATE RESEARCH FUNDS**

**Priority:** Other Significant

**CFR Citation:** Not Yet Determined

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0524-AA29

BILLING CODE 3410-09-S

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

**Proposed Rule Stage**

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

**Priority:** Other Significant

**Legal Authority:** PL 100-259; 29 USC 794; PL 94-135; 42 USC 6101 et seq; PL 94-239; 15 USC 1601 et seq; EO

11246; PL 88-352; 42 USC 2000d et seq; PL 90-284; 42 USC 3601 to 3619; PL 100-430; PL 92-318; 20 USC 1681 et seq; PL 93-112; EO 12898

**CFR Citation:** 7 CFR 15; 12 CFR 202; 28 CFR 42; 45 CFR 90; 41 CFR 60 to

64; 24 CFR 14; 7 CFR 1940 subpart D; 7 CFR 1901 subpart E

**Legal Deadline:** None

**Abstract:** The Agency intends to publish a proposed rule to effectuate a comprehensive civil rights regulation

## USDA—RHS

## Proposed Rule Stage

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 10/00/06 |         |
| NPRM Comment<br>Period End | 12/00/06 |         |

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

Undetermined

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

**RIN:** 0575-AA83**104. NATIONAL FLOOD INSURANCE REGULATIONS****Priority:** Other Significant

**Legal Authority:** 7 USC 1989; 42 USC 1480; 42 USC 4012a; 42 USC 4104b; 42 USC 4106; 42 USC 4128; PL 91-152; PL 93-234; PL 103-325; . . .

**CFR Citation:** 7 CFR 1926, subpart B; 7 CFR 1806, subpart B

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 07/00/06 |         |
| NPRM Comment<br>Period End | 09/00/06 |         |

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

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

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

**Agency Contact:** Linda Rodgers, Technical Support Branch Chief, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250-0761

Phone: 202 720-9647

Email: linda.rodgers@wdc.usda.gov

**RIN:** 0575-AC07**105. SERVICING COMMUNITY PROGRAMS LOANS AND GRANTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 31 USC 3711; 42 USC 1480

**CFR Citation:** 7 CFR 3570, subpart E; 7 CFR 1951, subpart E; 7 CFR 1951, subpart O; 7 CFR 1955, subpart A; 7 CFR 1955, subpart B; 7 CFR 1955, subpart C; 7 CFR 1956, subpart C; 7 CFR 1951, subpart F

**Legal Deadline:** None

**Abstract:** The Agency will consolidate seven regulations containing Community Facility (CF) servicing information into one, streamlined regulation. The Agency will also make changes to improve the servicing options available to CF borrowers. The goal is to work with borrowers to enable them to continue operating and providing essential community services to rural residents. This consolidation and the proposed changes will improve service to borrowers and will ensure that the Government's investment is protected and maximized. The proposed action will have no financial impact on the public or the Agency. The consolidation and revisions of these regulations will be in the best interest of the Government and the public.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/06 |         |

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment<br>Period End | 08/00/06 |         |

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

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

Phone: 202 720-1498

Fax: 202-690-0471

Email: beth.jones@wdc.usda.gov

**RIN:** 0575-AC12**106. SELF-HELP TECHNICAL ASSISTANCE GRANTS****Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 06/00/06 |         |
| NPRM Comment<br>Period End | 08/00/06 |         |

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

**Agency Contact:** Carolyn Bell, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0783, Washington, DC 20250-0783

Phone: 202 720-1532

Fax: 202 720-2232

## USDA—RHS

## Proposed Rule Stage

Email: carolyn.bell@wdc.usda.gov

RIN: 0575-AC20

### 107. COMMUNITY FACILITIES DIRECT LOAN PROGRAM—CONSOLIDATE, SIMPLIFY, AND UPDATE REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1926

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

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 08/00/06 |         |
| NPRM Comment<br>Period End | 10/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

RIN: 0575-AC27

### 108. 3550—DIRECT SINGLE-FAMILY HOUSING LOANS AND GRANTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1472

**CFR Citation:** 7 CFR 3550

**Legal Deadline:** None

**Abstract:** Rural Housing Service intends to revise the definitions of new and existing dwellings to remove the reference to a 10-year warranty plan; remove requirement that all Community Land Trust (CLT) imposed restrictions terminate upon foreclosure by the Agency; remove dollar limits and use 1 percent of insurance coverage

on loss deductible clauses with the objective of recognizing the increasing cost of home ownership insurance due to higher cost of home purchase; and require homeowner education for new home buyers.

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

**Timetable:**

| Action                               | Date     | FR Cite     |
|--------------------------------------|----------|-------------|
| Direct Final Rule                    | 02/08/05 | 70 FR 6551  |
| NPRM                                 | 03/06/06 | 71 FR 11167 |
| NPRM Comment<br>Period End           | 05/05/06 |             |
| Second NPRM                          | 06/00/06 |             |
| Second NPRM<br>Comment Period<br>End | 08/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janet Carter, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0783, Washington, DC 20250-0783  
Phone: 202 720-1489  
Fax: 202-690-2232  
Email: janet.carter@wdc.usda.gov

RIN: 0575-AC54

### 109. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

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

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

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

**Legal Deadline:** None

**Abstract:** The Rural Housing Service (RHS) is consolidating, simplifying, and updating the Agency standards for planning and developing sites and buildings to bring them in line with contemporary industry standards. This Agency regulation will contain the policies and procedures for planning

and developing sites and buildings proposed for RHS financial assistance. This effort will produce a user-friendly tool to help program constituents, rural communities, and Agency personnel. The consolidation effort will also bring the requirements of these two regulations in line with the Agency's Single Family Housing, Multi-Family Housing, Community Programs, and Business and Industry regulations and handbooks. This action will have no financial impact on the public or Agency. These consolidations and technical revisions are in the best interest of the Government and public. This is a positive and needed action in RHS program delivery and will add value to the access and delivery of the Agency's programs.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 07/00/06 |         |
| NPRM Comment<br>Period End | 09/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

RIN: 0575-AC55

### 110. ENVIRONMENTAL POLICIES AND PROCEDURES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1794; 7 CFR 1901, subpart F; 7 CFR 1940, subpart G; 7 CFR 1940, subpart J

**Legal Deadline:** None

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



## USDA—RHS

## Proposed Rule Stage

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

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 07/00/06 |         |
| NPRM Comment<br>Period End | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0575-AC56

**111. COMMUNITY PROGRAMS GUARANTEED LOANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 3575, subpart A

**Legal Deadline:** None

**Abstract:** The Rural Housing Service proposes to amend its regulations utilized to service the Community Facilities guaranteed loan program by adding terms and definitions applicable to this subpart, amend or add existing regulation to establish reporting responsibilities for lenders participating in the program, and amend or add regulation to clarify program parameters in making, guaranteeing, holding, servicing, or liquidating guaranteed loans. The intended effect of this action is to provide a precise understanding of terms as they apply to eligibility and program implementation and maintenance, and to establish accountability for adequate servicing on guaranteed loans.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 08/00/06 |         |
| NPRM Comment<br>Period End | 10/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0575-AC58

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

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In 1996, a new payment assistance formula was implemented to provide assistance to Rural Housing Service customers to make home ownership affordable through the section 502 Direct Loan Program. No analysis has been conducted on the formula and its actual impacts since the change was implemented. Anecdotal information reveals that the formula may result in disparate treatment for some customers, especially those in the more rural counties. In addition, the formula is complex and difficult to explain to customers and partners. USDA has contracted for a study of the formula to determine the extent of disparate or unintended borrower treatments/consequences of the existing formula and develop more equitable and simplified alternatives to provide payment assistance to our customers without increasing the cost of the program to the Government. The Agency intends to solicit public comments on potential alternatives to the current formula and to publish proposed and final rule changes to the formula.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 02/17/06 | 71 FR 8523 |
| NPRM Comment<br>Period End | 04/18/06 |            |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Michael S. Feinberg, Acting Director, Single Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-1474  
Fax: 202-720-2232  
Email: michael.feinberg@wdc.usda.gov  
**RIN:** 0575-AC59

**113. • SECTION 538 GUARANTEED RURAL RENTAL HOUSING PROGRAM CHANGE ANNUAL GUARANTEE FEE DUE DATE**

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

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

**CFR Citation:** 7 CFR 3565, subpart B

**Legal Deadline:** None

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

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

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

USDA—RHS

Proposed Rule Stage

31 year-end information thus enabling them to automate the annual guarantee fee calculation process. RHS expects this revision will have no economic impact on the lender, the developer and the project.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0575-AC62

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

Final Rule Stage

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

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 42 USC 1490a; 7 USC 1989; 42 USC 1475; 42 USC 1479; 42 USC 1480; 42 USC 1481; 42 USC 1484; 42 USC 1485; 42 USC 1486

**CFR Citation:** 7 CFR 1806, subpart A; 7 CFR 1955, subpart B; 7 CFR 1955, subpart C; 7 CFR 1956, subpart B; 7 CFR 1965, subpart B; 7 CFR 1965, subpart E; 7 CFR 1930, subpart C; 7 CFR 1944, subpart D; 7 CFR 1944, subpart E; 7 CFR 1951, subpart C; 7 CFR 1951, subpart D; 7 CFR 1951, subpart K; 7 CFR 1951, subpart N; 7 CFR 1955, subpart A

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 06/02/03 | 68 FR 32872 |

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Steininger, Multi-Family Housing Direct Loans, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Stop 0782, Washington, DC 20250  
Phone: 202 720-1610  
Fax: 202 690-3444  
Email: michael.steininger@wdc.usda.gov

Stephanie White, Multi-Family Housing Direct Loans, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0782, Washington, DC 20250  
Phone: 202 720-1615  
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Email: stephanie.white@wdc.usda.gov

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

**RIN:** 0575-AC13

**115. GUARANTEED SINGLE-FAMILY HOUSING**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 3555; 7 CFR 1980, subpart D

**Legal Deadline:** None

**Abstract:** The Rural Housing Service is rewriting the regulations governing the

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

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

**RIN:** 0575-AC18

**116. • SURETY REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 1924, subpart A

**Legal Deadline:** None

**Abstract:** The regulation requires that surety be provided when the construction contract exceeds \$100,000. A Direct Final Rule was published in the Federal Register on January 7, 2005, [70 FR 1325-1326]. Due to an adverse comment, a proposed rule was published on August 26, 2005, [70

## USDA—RHS

## Final Rule Stage

50222-50223]. The Agency is in the process of preparing a final rule, which will address any comments that were received and revise the regulation as appropriate.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/26/05 | 70 FR 50222 |
| NPRM Comment Period End | 10/25/05 |             |
| Final Action            | 06/00/06 |             |

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

**Agency Contact:** Michel Mitias, Architect—Program Support Staff, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0761, Washington, DC 20250

Phone: 202 720-9653  
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Email: michel.mitias@usda.gov

**Related RIN:** Previously reported as 0575-AC60**RIN:** 0575-AC63**BILLING CODE** 3410—XV—S
**Department of Agriculture (USDA)  
Federal Crop Insurance Corporation (FCIC)**

## Proposed Rule Stage

**117. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); PL 106-224**CFR Citation:** 7 CFR 400**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB73**118. GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY (APH)****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

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

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

**RIN:** 0563-AB83**119. COMMON CROP INSURANCE REGULATIONS AND VARIOUS CROP INSURANCE PROVISIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

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

Additional revisions will also be made to the Basic Provisions.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

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

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

## USDA—FCIC

## Proposed Rule Stage

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

**RIN:** 0563-AB96

### 120. COMMON CROP INSURANCE REGULATIONS, TOBACCO CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to solicit public comments on FCIC's proposed action to remove and reserve section 457.156, Quota Tobacco Crop Insurance Provisions, and to revise Guarantee Tobacco Crop Insurance Provisions as Tobacco Crop Insurance Provisions. The American Jobs Creation Act of 2004 eliminated the USDA Tobacco Marketing Quota Regulations and price support program by FSN as administered by the Farm Service Agency (FSA). The revisions will remove references to quota and add coverage for tobacco grown under a processor contract.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB98

### 121. COMMON CROP INSURANCE REGULATIONS, CABBAGE CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to convert the cabbage pilot crop insurance program to a permanent

insurance program for the 2007 and succeeding crop years. The cabbage pilot program began in the 2000 crop year by offering cabbage crop insurance coverage to producers in Alaska, California, Florida, Georgia (Colquitt and Rabun Counties), Illinois, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. Following an evaluation of the cabbage pilot program, FCIC's Board of Directors approved conversion of the pilot program to a permanent program.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB99

### 122. COMMON CROP INSURANCE REGULATIONS, CULTIVATED WILD RICE CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy Hoffmann, Director, Product Development Branch,

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

**RIN:** 0563-AC00

### 123. COMMON CROP INSURANCE REGULATIONS, FLORIDA CITRUS FRUIT CROP INSURANCE PROVISIONS

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AC01

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

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

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

## USDA—FCIC

## Proposed Rule Stage

end of the insurance period to allow flexibility for coverage to be expanded into other areas; and to clarify the computations for computing the amount of harvested production.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

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

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

**RIN:** 0563-AC02**125. COMMON CROP INSURANCE REGULATIONS, MINT CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 02/06/06 | 71 FR 6016  |
| NPRM Comment<br>Period End | 04/24/06 | 71 FR 14828 |

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

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

Phone: 816 926-7743

**RIN:** 0563-AC03**126. COMMON CROP INSURANCE REGULATIONS, MUSTARD CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposed action to convert the mustard pilot crop insurance program to a permanent insurance program for the 2007 and succeeding crop years. The mustard pilot program began in the 1999 crop year by offering mustard crop insurance coverage to producers in North Dakota. Following an evaluation of the mustard pilot program, FCIC's Board of Directors approved conversion of the pilot program to a permanent program and approved expansion for the 2005 crop year into counties in Montana, Idaho, Oregon, and Washington where actuarially sound rates can be established.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

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

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

**RIN:** 0563-AC04**127. COMMON CROP INSURANCE REGULATIONS, NORTHERN POTATO CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** This rule will solicit public comments on FCIC's proposal to revise the Northern Potato Crop provisions and endorsements for the 2007 crop

year by: 1) Changing the loss adjustment procedure; 2) enhancing the Northern Potato Processing Quality Endorsement; 3) clarifying the Northern Potato Quality Endorsement, Certified Seed Endorsement, and Storage Coverage Endorsement; and 4) clarifying the Central and Southern Potato Crop Provisions.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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

**RIN:** 0563-AC05**128. GENERAL ADMINISTRATIVE REGULATIONS; APPEAL PROCEDURES AND STANDARDS FOR APPROVAL—REINSURANCE AGREEMENT****Priority:** Other Significant**Legal Authority:** 7 USC 1506(l); 7 USC 1506(p)**CFR Citation:** 7 CFR 400**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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

**RIN:** 0563-AC06

## USDA—FCIC

## Proposed Rule Stage

**129. • COMMON CROP INSURANCE REGULATIONS, WALNUT CROP INSURANCE PROVISIONS; ALMOND CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** The purpose of this rule is to amend the Common Crop Insurance, Regulations Almond and Walnut Crop Insurance Provisions. This rule will reduce the growing season requirement for almond and walnut trees.

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/21/06 | 71 FR 14119 |
| NPRM Comment Period End | 05/22/06 |             |

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

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

**RIN:** 0563-AC08**130. • COMMON CROP INSURANCE REGULATIONS, GRAPE AND TABLE GRAPE CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** The purpose of this rule is to solicit comments to revise the Grape crop provisions and Table Grape crop provisions by: 1) Expanding basic units by variety, 2) clarifying quality adjustment for Grape crop insurance

provisions, 3) clarifying reduced tonnage contracts for the Grape crop insurance provisions, and 4) clarifying that cause of loss on Grape crop insurance provisions and Table Grape crop insurance provisions be the same.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/06 |         |

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

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

**RIN:** 0563-AC09**131. • COMMON CROP INSURANCE REGULATIONS, APPLE CROP INSURANCE PROVISIONS****Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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

Phone: 816 926-7743

**RIN:** 0563-AC10**132. • EMERGENCY AND DISASTER PROCEDURES FOR CROP INSURANCE PURPOSES****Priority:** Other Significant**Legal Authority:** 7 USC 1506 (l); 7 USC 1506 (p)**CFR Citation:** 7 CFR 457**Legal Deadline:** None

**Abstract:** The Risk Management Agency is proposing to revise the Common Crop Insurance Policy Basic Provisions to specify that, in the event of a natural disaster that impact crops and programs of the Federal Crop Insurance Corporation and where there has been a Presidential Disaster Declaration, the Secretary of Agriculture may determine that certain variances or waivers in policy and procedure requirements are necessary to protect the interests of policyholders. This would allow the Risk Management Agency to provide relief in the underwriting of crop protection and the adjudication of claims or when the impacts of natural disasters cause unnecessary delays in providing crop insurance protection or processing claims. It is not intended to provide insurance coverage where it would not be otherwise authorized or provide indemnity payments greater than what is authorized under the policy. The purpose would be to expedite the process of policyholders receiving their indemnities at a time when they are most at need.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/06 |         |

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

**Agency Contact:** Heyward Baker, Director, Reinsurance Services Division, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Room 6727 South, Washington, DC 20250  
Phone: 202 720-4232

**RIN:** 0563-AC11

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

**Final Rule Stage**

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 400

**Legal Deadline:** None

**Abstract:** Nonstandard Underwriting Classification System (NCS): NCS was criticized by producers and their representatives for several years and became a major issue with the repetitive floods in the upper Midwest and multi-year droughts in the Southwest. Complaints included claims that the NCS procedures: 1) Did not adequately exclude widespread causes of loss (disaster adjustment); 2) failed to recognize diverse conditions within a county; 3) unfairly hit new or struggling producers caught by repetitive disasters; and 4) set too high a premium for those producers listed. Additionally, administration of the NCS process was complicated, sometimes subjective, and labor intensive.

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

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

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

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

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

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 09/17/97 | 62 FR 48798 |
| ANPRM Comment Period End | 10/17/97 |             |
| NPRM                     | 09/02/98 | 63 FR 46703 |
| NPRM Comment Period End  | 10/19/98 |             |
| Final Action             | 08/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB66

**134. COMMON CROP INSURANCE REGULATIONS, PEANUT CROP INSURANCE PROVISIONS**

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite    |
|-------------------------|----------|------------|
| NPRM                    | 01/25/06 | 71 FR 4056 |
| NPRM Comment Period End | 03/27/06 |            |
| Final Action            | 07/00/06 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AB97

**135. • COMMON CROP INSURANCE REGULATIONS, BASIC PROVISIONS; WRITTEN AGREEMENTS**

**Priority:** Routine and Frequent

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

**CFR Citation:** 7 CFR 457

**Legal Deadline:** Final, Statutory, November 30, 2005.

**Abstract:** The Federal Crop Insurance Corporation amends the Common Crop Insurance Regulations, Basic Provisions, to conform to the requirements of section 780 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2006 regarding written agreements and the use of similar agricultural commodities.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 11/30/05 | 70 FR 71749 |
| Interim Final Rule Effective          | 11/25/05 |             |
| Interim Final Rule Comment Period End | 01/30/06 |             |
| Comment Period Extended               | 03/24/06 | 71 FR 8923  |
| Final Action                          | 06/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0563-AC07

**BILLING CODE 3410-08-S**

## Department of Agriculture (USDA)

Proposed Rule Stage

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

**136. UNITED STATES STANDARDS FOR SOYBEANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71 et seq**CFR Citation:** 7 CFR 800; 7 CFR 810**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 03/29/06 | 71 FR 15639 |
| NPRM Comment<br>Period End | 05/30/06 |             |

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

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

**RIN:** 0580-AA90**137. UNITED STATES STANDARDS FOR SORGHUM****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71 et seq**CFR Citation:** 7 CFR 810**Legal Deadline:** None

**Abstract:** GIPSA is initiating a review of the sorghum standards. GIPSA will assess the need for revisions on the

various sections of the United States Standards for Sorghum, the potential for improvements, and language clarity.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 03/29/06 | 71 FR 15633 |
| NPRM Comment<br>Period End | 05/30/06 |             |

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

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

**RIN:** 0580-AA91**138. • FEES FOR RICE INSPECTION SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621 et seq**CFR Citation:** 7 CFR 868**Legal Deadline:** None

**Abstract:** This proposed rule would revise the regulations governing the sampling, inspection, weighing, and certification for rice by increasing certain fees charged for the services by approximately 30 percent. Further, the rice fees would be increased an additional 5 percent each year through fiscal year 2011 and establish a stowage examination fee.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0580-AA92**139. • UNITED STATES STANDARDS FOR ROUGH RICE; UNITED STATES STANDARDS FOR BROWN RICE FOR PROCESSING; AND UNITED STATES STANDARDS FOR MILLED RICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1621**CFR Citation:** 7 CFR 868**Legal Deadline:** None

**Abstract:** GIPSA is proposing to revise the U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice, under the AMA, to eliminate the requirement for certain grade related information to be shown on the grade-line of certificate for classes of Mixed Rice.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/06 |         |

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250  
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Fax: 202 690-2755  
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**RIN:** 0580-AA94

## Department of Agriculture (USDA)

Final Rule Stage

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

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

**Abstract:** This rule is being issued to make changes to the clear title regulations as required by amendments

made by the 2002 Farm Bill, which bring the clear title requirements more into conformity with the Uniform Commercial Code. GIPSA is making additional changes to allow the use of



## USDA—GIPSA

## Final Rule Stage

an approved unique identifier in place of the former mandate for States to display a social security number through their systems providing clear title information. The rule will adopt these changes in the regulations.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 05/00/06 |         |

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

**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400

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Washington, DC 20250  
Phone: 202 720-7486  
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Email: h.tess.butler@usda.gov

**RIN:** 0580-AA93

## Department of Agriculture (USDA)

## Long-Term Actions

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

**141. PROCESS VERIFICATION SERVICE AND ASSOCIATED FEES****Priority:** Other Significant**CFR Citation:** 7 CFR 868.31**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

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

**Agency Contact:** H. Tess Butler  
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**RIN:** 0580-AA85

## Department of Agriculture (USDA)

## Completed Actions

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

**142. EXPORT INSPECTION AND WEIGHTING WAIVER FOR HIGH QUALITY SPECIALTY GRAINS TRANSPORTED IN CONTAINERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 800**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 12/13/05 | 70 FR 73556 |

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

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

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 11/15/05 | 70 FR 69249 |

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

**Agency Contact:** H. Tess Butler  
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**RIN:** 0580-AA89

BILLING CODE 3410-EN-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Food and Nutrition Service (FNS)

**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     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 06/00/06 |         |
| NPRM Comment Period End | 08/00/06 |         |
| Final Action            | 06/00/07 |         |
| Final Action Effective  | 09/00/07 |         |

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

## USDA—FNS

## Proposed Rule Stage

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

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                      | Date     | FR Cite |
|-----------------------------|----------|---------|
| NPRM                        | 09/00/06 |         |
| NPRM Comment<br>Period Ends | 11/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Agency Contact:** Sharon Ackerman,  
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of Agriculture, Food and Nutrition  
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**RIN:** 0584-AD12

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

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** This proposed rule would revise the Child and Adult Care Food Program (CACFP) regulations to allow reimbursement of suppers provided by at-risk afterschool care programs in seven States. Six States were initially authorized by the Agricultural Risk Protection Act (Pub. L. 106-224); the seventh State was authorized by fiscal year 2002 appropriation legislation. At-risk suppers in these States (Delaware, Illinois, Pennsylvania, Michigan, Missouri, New York, and Oregon) are reimbursed under the same conditions set forth in the National School Lunch Act (NSLA) for at-risk snacks in the CACFP. Children who are 18 or younger and enrolled in qualifying afterschool programs located in the seven States may receive free suppers. To qualify, afterschool care programs must be located in low-income areas, provide care to children, and have an educational or enrichment purpose. (01-007)

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 09/00/06 |         |
| NPRM Comment<br>Period End | 11/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman,  
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of Agriculture, Food and Nutrition  
Service, Room 918, 3101 Park Center  
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Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD15

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

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

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date             | FR Cite |
|----------------------------|------------------|---------|
| NPRM                       | 06/00/06         |         |
| NPRM Comment<br>Period End | 08/00/06         |         |
| Final Action               | To Be Determined |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Sharon Ackerman,  
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Service, Room 918, 3101 Park Center  
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**RIN:** 0584-AD25

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

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

**Legal Authority:** 42 USC 1751 et seq,  
Richard B. Russell National School  
Lunch Act

**CFR Citation:** 7 CFR 210.10

**Legal Deadline:** None

**Abstract:** This proposed rule would require that a fresh vegetable or a fresh/dried fruit be one of the components served in the afterschool

## USDA—FNS

## Proposed Rule Stage

snack service under the National School Lunch Program and that it be served at least three times per 5-day week. The U.S. Department of Agriculture is establishing this requirement to promote the health of the Nation's school children by encouraging them to consume more fruits and vegetables. (03-003)

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 0584-AD40

**149. DATA COLLECTION RELATED TO INSTITUTIONS, ORGANIZATIONS, SITES, AND FACILITIES**

**Priority:** Other Significant

**Legal Authority:** EO 13279

**CFR Citation:** 7 CFR 210; 7 CFR 220; 7 CFR 225; 7 CFR 226; 7 CFR 246; 7 CFR 247; 7 CFR 251

**Legal Deadline:** None

**Abstract:** Executive Order 13279, which was signed on December 12, 2002, instructs Federal agencies, to the extent permitted by law, to collect data regarding the participation of faith-based and community-based organizations in social service programs that receive Federal financial assistance. This rulemaking would authorize the Secretary of Agriculture to require State agencies to collect and submit data to the Food and Nutrition Service that identifies the numbers, by categories to be determined by the Secretary, of institutions, organizations, sites, and facilities that apply to and participate in the Federal nutrition assistance programs. This rulemaking would add requirements to the following programs: Special Supplemental Nutrition Program for Women, Infants and Children, National School Lunch Program, School

Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, Commodity Supplemental Food Program, and the Emergency Food Assistance Program. The data collection effort would end 5 years after the effective date of the final rule. (04-001)

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/03/06 | 71 FR 10914 |
| NPRM Comment Period End | 06/01/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

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

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**RIN:** 0584-AD43

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

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 7 USC 2021

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

**Legal Deadline:** None

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 0584-AD44

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

**Priority:** Other Significant

**Legal Authority:** Older Americans Act of 1965, as amended

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## Proposed Rule Stage

**CFR Citation:** 7 CFR 250.12, 250.19, 250.24, 250.40, 250.41; 7 CFR 250.42, 250.48, 250.49, 250.50

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

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

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

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**RIN:** 0584-AD45

**152. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): DISCRETIONARY WIC VENDOR PROVISIONS IN THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004, PUBLIC LAW 108-265**

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

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** Final, Statutory, December 2004.

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

are derived from the proceeds of WIC purchases. (04-007)

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 07/00/06 |         |
| NPRM Comment Period End | 10/00/06 |         |
| Final Action            | 10/00/07 |         |
| Final Action Effective  | 11/00/07 |         |

**Regulatory Flexibility Analysis Required:** Yes

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

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

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**RIN:** 0584-AD47

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

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

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

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

**Legal Deadline:** None

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

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redemption requirements are clear and comprehensible. The sections that will be updated and reorganized by the proposed rule are 7 CFR parts 274 and 278. (04-004)

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 12/00/06 |         |
| NPRM Comment Period End | 03/00/07 |         |
| Final Action            | 03/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD48

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

**Priority:** Other Significant

**Legal Authority:** PL 108-265, sec 102

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

**Legal Deadline:** None

**Abstract:** Currently, by regulation, schools must make substitutions for fluid milk for students with a disability when the request is authorized by a licensed physician and may make substitutions for students with medical or other dietary needs if requested by recognized medical authority. These regulatory provisions were included in Public Law 108-265 which amended the Richard B. Russell National School Lunch Act. Public Law 108-265 also amended the current law to allow schools to substitute non-dairy beverages nutritionally equivalent (as established by the Secretary) to fluid milk for medical or other special dietary needs at the request of a parent/guardian. In response to Public Law 108-265, the National School Lunch Program and School Breakfast Program regulations will be revised to add these provisions.

(04-016)

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD58

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

The current regulations specify that reimbursable meals offered by schools meet the Dietary Guidelines for Americans that are specified in the regulations. This proposed rule would revise the current regulations on nutrition standards to require that participating schools meet the applicable recommendations of the most recent Dietary Guidelines for Americans and other dietary recommendations. (04-017)

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD59

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 7 CFR 250

**Legal Deadline:** None

**Abstract:** Food Distribution Program regulations at 7 CFR part 250.14(a) currently require all distributing agencies to, at minimum, evaluate non-commercial systems, perform cost comparisons of existing systems with commercial systems, and seek FNS approval to use non-commercial facilities once every 3 years by March 31. This rule would amend current regulations at section 250.14(a) by removing the regulatory requirements above. By this time, per legislative mandate and the more stringent regulatory requirements, most States required to do so have conducted warehousing and distribution system evaluations and cost comparisons on multiple occasions. Through cycles of cost comparisons, we believe that conversions to commercial systems have already taken place where appropriate. The limited number of States that operate their own systems do so because no commercial system is available, or because the State-run system is more cost-effective.

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

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in order to make them easier to read and understand.

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 0584-AD72

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 248

**Legal Deadline:** None

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

Also included in this rulemaking will be a funding formula methodology for

the FMNP when funds requested exceed available funds to allocate. The FMNP is a fixed grant program with limited funds. Funding increases are not guaranteed from year to year. Section 17(m) of the Child Nutrition Act of 1966, as amended, sets forth broad funding requirements for the FMNP. By law, after base grants are provided to current State agencies (i.e., total Federal funds received in the prior fiscal year), the remaining funds are divided so that 75 percent is provided for expansion funds for current State agencies and 25 percent is provided for new State agencies. Currently, beyond the division of funds noted above, there are no requirements for how to allocate funds for expansion and new State agencies when funds requested exceed the amount of available funds. This proposed regulation would amend 7 CFR part 248 to set forth a funding formula in cases where FMNP funds requested exceed available funds to allocate. The proposed methodology would provide a base funding level for each State agency. Funding above the base level would be based on the individual State's need relative to all other State agencies' needs. (05-003)

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/06 |         |
| NPRM Comment Period End | 12/00/06 |         |
| Final Action            | 12/00/07 |         |
| Final Action Effective  | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

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

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

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

**URL For More Information:**

www.fns.usda.gov/wic

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

**RIN:** 0584-AD74

**158. FOOD STAMP PROGRAM: EXPIRATION OF RESIDUAL PAPER COUPONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-193

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

**Legal Deadline:** None

**Abstract:** Food stamp benefits are now issued and redeemed electronically as of the completion of nationwide electronic benefit transfer (EBT) system implementation in June 2004. However, residual coupons from the old paper issuance system remain in circulation. This rule proposes to set an expiration date for all paper coupons. Such action is necessary because there is no longer an infrastructure for redeeming the coupons. Retailers are becoming unfamiliar with coupons and how to process them, and some banks are refusing to redeem them because of the diminishing amount. Furthermore, despite decreased coupon redemptions, the FNS contract with the Federal Reserve Bank to redeem coupons deposited by retailers into financial institutions continues to cost FNS approximately \$3 million per year due to overhead costs.

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

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 10/00/06 |         |
| NPRM Comment Period End | 01/00/07 |         |
| Final Action            | 01/00/08 |         |
| Final Action Effective  | 02/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

## USDA—FNS

## Proposed Rule Stage

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0584-AD75

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** none

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

**Legal Deadline:** None

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

This proposed rule would also amend other processing requirements to reduce the paperwork burden and workload and to more fully integrate donated foods with commercial business practices. It would amend current regulations to: (1) Allow processing agreements or contracts of up to 5 years duration, rather than the current 1 year, with an option for two 1-year extensions; (2) allow substitution of donated beef and pork with like

commercial foods of U.S. origin and of equal or better quality; (3) remove the verification of end product sales through commercial distributors; (4) reduce independent CPA audit requirements for multi-State processors by revising upward the donated food value thresholds that determine the required frequency of such audits; and (5) require in-State processors to obtain an independent CPA audit every 3 years, and remove the requirement that distributing agencies conduct an on-site review of such processors at least once every 2 years.

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

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

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**RIN:** 0584-AD76

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

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

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR part 246

**Legal Deadline:** Final, Statutory, November 2006, CN and WIC Reauthorization Act of 2004 requires issuance of final rule within 18 months of release of IOM Report.

**Abstract:** This proposed rule would revise regulations governing the WIC food packages to change age specifications for assignment to infant feeding packages; establish infant

formula feeding or breastfeeding categories for infants; revise the maximum monthly allowances and minimum requirements for certain WIC foods; revise the substitution rates for certain WIC foods and allow additional foods as alternatives; add fruits and vegetables for WIC participants 6 months of age and older and eliminate juice from infants food package; add whole grains to food packages for children and women and baby food meat for fully breastfed infants 6 through 11 months of age; revise the purpose, content, and requirements for Food Package III; and address general provisions that apply to all food packages. The revisions reflect recommendations made by the Institute of Medicine in its report, WIC Food Packages: Time for a Change, and certain other administrative revisions deemed necessary by the Department. These revisions would bring the WIC food packages in line with the 2005 Dietary Guidelines for Americans and current infant feeding practice guidelines, better promote and support the establishment of successful long-term breastfeeding, provide WIC participants with a wider variety of food, provide WIC State agencies with greater flexibility in prescribing food packages to accommodate participants with cultural food preferences, and serve all participants with certain medical provisions under one food package to facilitate efficient management of medically fragile participants. (05-006)

#### Timetable:

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| NPRM                                  | 05/00/06 |         |
| NPRM Comment Period End               | 06/00/06 |         |
| Interim Final Rule Effective          | 11/00/06 |         |
| Interim Final Rule Comment Period End | 11/00/06 |         |
| Interim Final Rule Comment Period End | 05/00/08 |         |

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**URL For More Information:** [www.fns.usda.gov/wic](http://www.fns.usda.gov/wic)

**URL For Public Comments:** [www.fns.usda.gov/wic](http://www.fns.usda.gov/wic)

## USDA—FNS

## Proposed Rule Stage

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**RIN:** 0584-AD77

**161. • FSP: ADMINISTRATIVE SANCTIONS IMPOSED AGAINST VIOLATING ELECTRONIC BENEFITS TRANSFER (EBT) STORES**

**Priority:** Other Significant

**Legal Authority:** Sec 12 of the Food Stamp Act

**CFR Citation:** 7 CFR 278.6(e)

**Legal Deadline:** None

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

against retail food stores and wholesale food concerns that are found violating the Food Stamp Program.

**Background**

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

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

**Proposed Regulation**

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

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

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 10/00/06 |         |
| Final Action | 10/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD78

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

**Final Rule Stage**

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This final rule amends certain provisions of the WIC program regulations in response to issues raised by WIC State agencies and incorporates longstanding program policies into regulations, with the intention to strengthen services to WIC participants, improve Program administration, and increase State agency flexibility in managing the Program. The final rule

takes into consideration comments received on the proposed rule, which was published on December 2, 2002 (67 FR 71774). It also increases the maximum fine for theft or fraud from \$10,000 to \$25,000, in accordance with a nondiscretionary provision of Public Law 105-336. (89-515)

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 12/02/02 | 67 FR 71774 |
| NPRM Comment Period End | 04/01/03 |             |
| Final Action            | 09/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AB10



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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Federalism:** This action may have federalism implications as defined in EO 13132.**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department

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**RIN:** 0584-AC24

**164. FOOD STAMP PROGRAM REGULATORY REVIEW: FSP STANDARDS FOR APPROVAL AND OPERATION OF FOOD STAMP ELECTRONIC BENEFIT TRANSFER SYSTEMS****Priority:** Other Significant**Legal Authority:** 7 USC 2011 to 2034**CFR Citation:** 7 CFR 274.12**Legal Deadline:** None

**Abstract:** This rule makes revisions to food stamp regulations affecting the standards and administration of EBT systems for food stamp issuance. Current regulations at 7 CFR 274.12 delineate the standards that EBT systems must meet in order to be approved for operation. This rule revises those regulations to provide the State agency more flexibility in implementing and operating those systems. Clarifications and FNS settlement improvements are also incorporated into the rule. The rule contains a provision to provide State agencies with a new option to allow retailers with commercial equipment to use a Store and Forward process instead of the manual voucher process when the system is down. This provision went forward as an interim provision so that the Department can solicit additional comments. All the other provisions went forward as final. (96-016)

**Timetable:**

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

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

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**RIN:** 0584-AC37**165. NATIONAL SCHOOL LUNCH PROGRAM: REIMBURSEMENT FOR SNACKS IN AFTERSCHOOL CARE PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 105-336**CFR Citation:** 7 CFR 210; 7 CFR 235; 7 CFR 245**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 10/11/00 | 65 FR 60502 |
| NPRM Comment Period End | 01/09/01 |             |
| Final Action            | 10/00/06 |             |
| Final Action Effective  | 11/00/06 |             |

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

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**RIN:** 0584-AC72

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**166. FSP: CIVIL RIGHTS DATA COLLECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 88–352, sec 601**CFR Citation:** 7 CFR 272**Legal Deadline:** None

**Abstract:** Title VI of the Civil Rights Act of 1964 requires the collection of racial/ethnic data for all programs utilizing Federal funds. State agencies are required to collect the data by racial/ethnic categories set by the Federal Government. In 1997, those categories changed. This final rule changes the racial categories for State Food Stamp Program reporting to comply with the new Federal racial categories. (98-010)

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/27/02 | 67 FR 70861 |
| NPRM Comment Period End | 01/27/03 |             |
| Final Action            | 04/00/06 |             |
| Final Action Effective  | 05/00/06 |             |

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584–AC75**167. CHILD AND ADULT CARE FOOD PROGRAM: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY****Priority:** Other Significant**Legal Authority:** PL 106–224, sec 243**CFR Citation:** 7 CFR 226**Legal Deadline:** Final, Statutory, October 20, 2000.

**Abstract:** This final rule incorporates changes to the Child and Adult Care Food Program as required by the Agricultural Risk Protection Act (Pub. L. 106-224) to strengthen the management and integrity of the program. Provisions include: 1) Changes to eligibility requirements for participating institutions; 2) conditions

for approval, such as ensuring financial viability, stipulating that new sponsoring organizations are allowed to participate only where there is need for the program, and the elimination of “moving toward tax exempt status” of institutions; 3) new program monitoring requirements; 4) new parental notification requirements by CACFP centers or homes that describe the program and benefits and provide parents with access to the sponsoring organization and State agency; 5) rules on allowing corrective action and appeals in situations involving the termination or suspension of participating institutions, facilities, and individuals; 6) funds recovery in situations involving fraud, abuse, or improper submissions for reimbursement; and 7) limitation on the percentage of funds that sponsoring organizations of centers can retain from day care meal reimbursements for their administrative expenses. These changes support the Department’s ongoing efforts in management and integrity improvement. (00-005)

**Timetable:**

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

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

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

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**RIN:** 0584–AC94**168. SPECIAL NUTRITION PROGRAMS: DISCLOSURE OF CHILDREN’S ELIGIBILITY INFORMATION UNDER THE CHILD NUTRITION PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 106–224, sec 242; PL 103–448, sec 108**CFR Citation:** 7 CFR 215; 7 CFR 225; 7 CFR 226; 7 CFR 245**Legal Deadline:** Final, Statutory, October 20, 2000.

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

**Timetable:**

| Action                       | Date     | FR Cite |
|------------------------------|----------|---------|
| Interim Final Rule Effective | 10/01/00 |         |

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| Action                                      | Date     | FR Cite    |
|---|----------|------------|
| Interim Final Rule                          | 01/11/01 | 66 FR 2195 |
| Interim Final Rule<br>Comment Period<br>End | 04/11/01 |            |
| Final Action                                | 05/00/06 |            |

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

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**RIN:** 0584-AC95**169. SPECIAL NUTRITION PROGRAMS: UNIFORM FEDERAL ASSISTANCE REGULATIONS; NONDISCRETIONARY TECHNICAL AMENDMENTS****Priority:** Info./Admin./Other**Legal Authority:** 31 USC 503, 111, and 7501; PL 98-502; PL 104-156**CFR Citation:** 7 CFR 210, 215, 220, 225, 226, and 235**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/06 |         |

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

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**RIN:** 0584-AD16**170. AFTERSCHOOL SNACKS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM****Priority:** Other Significant**Legal Authority:** PL 105-336**CFR Citation:** 7 CFR 226**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/11/00 | 65 FR 60502 |
| NPRM Comment<br>Period End | 01/09/01 |             |
| Final Action               | 07/00/06 |             |
| Final Action Effective     | 08/00/06 |             |

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

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**RIN:** 0584-AD27**171. 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 rulemaking will amend Food Stamp Program regulations to implement 11 provisions of the Farm Security and Rural Investment Act of 2002 that establish new eligibility and certification requirements for the receipt of food stamps. (02-007)

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/16/04 | 69 FR 20724 |
| NPRM Comment<br>Period End | 06/15/04 |             |
| Final Action               | 12/00/06 |             |
| Final Action Effective     | 02/00/07 |             |

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD30**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 final rule implements 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 (Pub. L. 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)

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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     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 10/16/03 | 68 FR 59519 |
| Interim Final Rule Effective          | 12/15/03 |             |
| Interim Final Rule Comment Period End | 01/14/04 |             |
| Final Action                          | 10/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD31

### 173. 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 final rule implements revisions to the Food Stamp Employment and Training (E&T) Program funding requirements. (02-009)

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/19/04 | 69 FR 12981 |
| NPRM Comment Period End | 05/18/04 |             |
| Final Action            | 04/00/06 |             |
| Final Action Effective  | 06/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 0584-AD32

### 174. SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 249

**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/26/05 | 70 FR 30558 |
| NPRM Comment Period End | 07/25/05 |             |
| Final Action            | 08/00/06 |             |
| Final Action Effective  | 09/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

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

**URL For More Information:**

www.fns.usda.gov

**URL For Public Comments:**

www.fns.usda.gov/wic

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**RIN:** 0584-AD35

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 07/27/05 | 70 FR 43332 |
| NPRM Comment Period End | 11/25/05 |             |
| Final Action            | 09/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

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**RIN:** 0584-AD36

### 176. FSP: 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

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**CFR Citation:** 7 CFR 271; 7 CFR 273; 7 CFR 275; 7 CFR 277

**Legal Deadline:** None

**Abstract:** This proposed 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 (Pub. L. 107-171). The provisions in this rule affect the following areas: 1) The elimination of enhanced funding; 2) revisions to the time frames for completing individual case reviews; 3) extending the time frames in the procedures for households that refuse to cooperate with QC reviews; 4) procedures for adjusting liability determinations following appeal decisions; 5) negative case reviews; and 6) conforming and technical changes. (02-015)

**Timetable:**

| Action                      | Date     | FR Cite |
|-----------------------------|----------|---------|
| NPRM                        | 09/23/05 |         |
| NPRM Comment<br>Period Ends | 12/22/05 |         |
| Final Action                | 10/00/06 |         |
| Final Action Effective      | 11/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**Related RIN:** Split from 0584-AD31

**RIN:** 0584-AD37

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 1752

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

**Legal Deadline:** None

**Abstract:** This rule updates the regulations for the National School Lunch Program, the Special Milk Program, and the School Breakfast Program regarding the use of federal funds for the provision of meals for

school children. This rule prohibits school food authorities (SFA) from using funds in the non-profit school food service account for expenditures made under improperly procured contracts. The expected result is that regulatory language will ensure optimum utilization of funds in the non-profit school food service account. (03-001)

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 12/30/04 | 69 FR 78340 |
| NPRM Comment<br>Period End | 02/28/05 |             |
| Final Action               | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

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**RIN:** 0584-AD38

### 178. DISTRICT-WIDE USE OF PROVISIONS 2 AND 3

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 245

**Legal Deadline:** None

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

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 0584-AD51

### 179. ADMINISTRATIVE ERROR REDUCTION IN THE SCHOOL MEALS PROGRAMS

**Priority:** Other Significant

**Legal Authority:** PL 108-265

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

**Legal Deadline:** None

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

- Establishes the additional category of schools at high risk for administrative errors, as defined by the Secretary, that are subject to an additional administrative review;
- Details a corrective action plan for States that fail to meet Secretary's performance criteria;
- Allocates funds to States based on number of local education agencies with high level or high risk for administrative error. (04-010)

**Timetable:**

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

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

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**RIN:** 0584-AD52**180. STATE ADMINISTRATIVE EXPENSES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-265**CFR Citation:** 7 CFR 235**Legal Deadline:** None

**Abstract:** State Administrative Expense Fund regulations will be revised to increase the minimum State grant for administrative expenses to \$200,000 a year (indexed after fiscal year 2008) and requires that: For fiscal years 2005 through 2007, no State will receive less than its fiscal year 2004 allocation. This rule will also require States to submit, for the Secretary's approval, an amendment to their State plan indicating how it will allocate their State administrative expense funds for information management systems that improve program integrity by (1) monitoring the nutrient content of meals; (2) training schools and school food authorities in how to use technology and information management systems for menu planning, collecting "point-of-sale" data, processing applications for free and reduced-price meals, and verifying eligibility; and (3) using electronic data to establish benchmarks to monitor program integrity, program participation, and financial data across schools and school food authorities. (04-011)

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 07/00/06 |         |

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

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**RIN:** 0584-AD53**181. APPLYING FOR FREE AND REDUCED PRICE MEALS IN SCHOOLS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-265**CFR Citation:** 7 CFR 245**Legal Deadline:** None

**Abstract:** The regulations for determining eligibility for free and reduced price meals and free milk in schools will be revised to require that: (1) Descriptive materials distributed to parents and guardians contain a notification that:

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

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

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

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

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 04/00/06 |         |

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

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**RIN:** 0584-AD54**182. CATEGORICAL ELIGIBILITY AND DIRECT CERTIFICATION FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS****Priority:** Other Significant**Legal Authority:** PL 108-265, sec 104**CFR Citation:** 7 CFR 245**Legal Deadline:** None

**Abstract:** In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, will be amended to establish categorical (automatic) eligibility for free meals and free milk upon documentation that a child is (1) homeless as defined by the McKinney-Vento Homeless Assistance Act; (2) a runaway served by grant programs under the Runaway and Homeless Youth Act; or (3) migratory as defined in sec. 1309(2) of the Elementary and Secondary Education Act. The rule also requires phase-in of direct certification for children who are members of households receiving food stamps and continues discretionary direct certification for other categorically eligible children. (04-018)

## USDA—FNS

## Final Rule Stage

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 06/00/06 |         |

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302

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**Related RIN:** Merged with 0584-AD62**RIN:** 0584-AD60**183. REVISED VERIFICATION PROCEDURES IN THE SCHOOL MEALS PROGRAMS****Priority:** Other Significant**Legal Authority:** PL 108-265**CFR Citation:** 7 CFR 210; 7 CFR 245**Legal Deadline:** None

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

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

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

— For a local educational agency with more than 20,000 children approved by

application as eligible for free or reduced-price school meals as of October 1, their nonresponse rate for the preceding school year is improved by 10 percent from the nonresponse rate for the second preceding school year.

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

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

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

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

4. Requires that the local educational agency provide written notice to households selected for verification. The notice must include a toll-free phone number that the household can

call for assistance with the verification process. (04-019)

**Timetable:**

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

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

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**RIN:** 0584-AD61**184. SCHOOL FOOD SAFETY: HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEM****Priority:** Other Significant**Legal Authority:** PL 108-265**CFR Citation:** 7 CFR 210; 7 CFR 220**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302

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USDA—FNS

Final Rule Stage

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RIN: 0584-AD65

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

**Priority:** Other Significant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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RIN: 0584-AD68

**186. IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: SEAMLESS SUMMER OPTION FOR SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

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

**Legal Deadline:** None

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

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

**Timetable:**

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule                    | 06/00/06 |         |
| Interim Final Rule Effective          | 07/00/06 |         |
| Interim Final Rule Comment Period End | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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RIN: 0584-AD70

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** Final, Statutory, December 2005.

**Abstract:** This final rule amends the WIC regulations to strengthen vendor cost containment. The rule incorporates into program regulations new legislative requirements that affect the selection, authorization, and reimbursement of retail vendors. These requirements are contained in the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265), which was enacted on June 30, 2004. The rule reflects the statutory provisions that require WIC State agencies to implement a vendor peer group system, competitive price selection criteria, and allowable reimbursement levels in a manner that ensures that the WIC Program pays authorized vendors competitive prices for supplemental foods. It also requires State agencies to ensure that vendors that derive more than 50 percent of their annual food sales revenue from WIC food instruments do not result in higher food costs to the program than do other vendors. The intent of these provisions is to maximize the number of women, infants, and children served with available Federal funding. (04-029)

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 11/29/05 | 70 FR 71708 |
| Interim Final Rule Comment Period End | 11/29/06 |             |
| Interim Final Rule Effective          | 12/29/05 |             |
| Final Action                          | 08/00/07 |             |
| Final Action Effective                | 09/00/07 |             |



## USDA—FNS

## Final Rule Stage

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

www.fns.usda.gov/wic

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**RIN:** 0584-AD71**188. WIC: IMPLEMENTATION OF THE NONDISCRETIONARY WIC CERTIFICATION AND GENERAL ADMINISTRATION PROVISIONS****Priority:** Other Significant**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** None**Abstract:** This final rule implements the nondiscretionary WIC provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265). It contains provisions that address the following aspects of WIC Program administration and operation:

1.Expansion of definitions of “nutrition education” and “supplemental foods”

2.Infant formula rebate contracts

— Adds new definitions (“State alliance” and “primary contract infant formula”)

— Limits the size of State alliances — Requires State agencies to use primary contract infant formula as the first choice of issuance

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

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

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

— Requires a State agency to have a system to ensure that rebate invoices

provide a reasonable estimate or actual count of the number of units sold in the program

3.Program eligibility

— Provides additional exceptions to the physical presence requirement

4.Food delivery systems

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

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

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

5.Funding and financial management

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

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

**Timetable:**

| Action                 | Date     | FR Cite |
|------------------------|----------|---------|
| Final Action           | 09/00/06 |         |
| Final Action Effective | 10/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** This rule was initially assigned RIN 0584-AD49, and was withdrawn from the Fall 2004 Unified Agenda and Plan on September 14, 2004.**URL For More Information:**

www.fns.usda.gov/wic

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**RIN:** 0584-AD73**189. ● FSP: UNAUTHORIZED REDEMPTION AND TRAFFICKING IN PROGRAM BENEFITS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 2011 to 2036**CFR Citation:** 7 CFR 278**Legal Deadline:** None**Abstract:** This interim final rulemaking is being developed in response to reports of incidents in which an authorized retailer has redeemed a Food Stamp Program participant’s program benefits without the knowledge of the participant. In addition, this rule serves to modify actions that may be taken against some retailers found to be trafficking in program benefits.

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

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

USDA—FNS

Final Rule Stage

charged with such a violation would be provided with the opportunity for administrative and judicial review of the disqualification action as provided for in current program regulations.

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

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

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 08/00/06 |         |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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**RIN:** 0584-AD79

**190. • FOR-PROFIT CENTER PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-265

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** This rule will implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that permanently established the eligibility of private for-profit child care centers to participate in the Child and Adult Care Food Program (CACFP) if at least 25 percent of participating children are eligible for free or reduced-price meals. This provision was first made temporarily available for 1 year by

Public Law 106-554 in fiscal year 2001. Since that time, the provision was extended with subsequent appropriation laws. Prior to fiscal year 2001, for-profit centers could only participate in the CACFP if they received title XX funds (under the Social Security Act) for 25 percent of the enrolled children or 25 percent of licensed capacity, whichever was less. Thus, since December 2000, private for-profit child care centers have been able to participate in the CACFP in two ways—either due to receipt of title XX funds on behalf of enrolled children or on the children's eligibility for free or reduced price meals. (04-024)

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 07/27/05 | 70 FR 43259 |
| Interim Final Rule Effective          | 08/26/05 |             |
| Interim Final Rule Comment Period End | 09/26/05 |             |
| Final Action                          | 04/00/06 |             |
| Final Action Effective                | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

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**Related RIN:** Duplicate of 0584-AD66

**RIN:** 0584-AD80

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

Completed Actions

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

**Priority:** Other Significant

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

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 12/05/05 | 70 FR 72351 |
| Final Action Effective | 01/04/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0584-AD28

**192. SEVERE NEED ASSISTANCE IN THE SCHOOL BREAKFAST PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 220

**Completed:**

| Reason                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 11/02/05 | 70 FR 66247 |
| Interim Final Rule Effective          | 12/02/05 |             |
| Interim Final Rule Comment Period End | 05/01/06 |             |

## USDA—FNS

## Completed Actions

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

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**RIN:** 0584-AD50

**193. IMPLEMENTING PROVISIONS FROM THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004: INCREASING THE MAXIMUM AGE FOR CHILDREN IN HOMELESS SHELTERS THAT PARTICIPATE IN THE CACFP**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 226**Completed:**

| Reason             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/03/06 | 71 FR 1 |

**Reason****Date****FR Cite**

Interim Final Rule Effective

02/02/06

Interim Final Rule Comment Period End

03/06/06

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

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**RIN:** 0584-AD56

**194. NATIONAL SCHOOL LUNCH PROGRAM: MARKETING AND SALES OF FLUID MILK PRODUCTS IN SCHOOLS**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 210**Completed:**

| Reason                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 11/21/05 | 70 FR 70031 |
| Interim Final Rule Effective          | 12/21/05 |             |
| Interim Final Rule Comment Period End | 05/22/06 |             |

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

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**RIN:** 0584-AD57**BILLING CODE** 3410-30-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Food Safety and Inspection Service (FSIS)

**195. PERFORMANCE STANDARDS FOR PUMPED OR MASSAGED BACON****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq**CFR Citation:** 9 CFR 424.22(b)**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

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

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**RIN:** 0583-AC49**196. EGG PRODUCTS INSPECTION REGULATIONS****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** 21 USC 1031 to 1056

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

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to require egg products plants and establishments that pasteurize shell eggs 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 egg products and pasteurized shell eggs. 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 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. This proposal will not encompass shell egg packers. In the near future, FSIS will initiate non-regulatory outreach efforts for shell egg packers that will provide information intended to help them to safely process shell eggs intended for

## USDA—FSIS

## Proposed Rule Stage

human consumption or further processing.

The actions being proposed are part of FSIS' regulatory reform effort to improve FSIS' 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 products regulations as consistent as possible with the Agency's meat and poultry products regulations. FSIS is also taking these actions in light of changing inspection priorities and recent findings of Salmonella in pasteurized egg products.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

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**RIN:** 0583-AC58

**197. PRIOR LABELING APPROVAL SYSTEM: GENERIC LABEL APPROVAL**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This rulemaking will continue an effort initiated several years ago by amending FSIS's regulations to expand the types of labeling that are generically approved. FSIS plans to propose that the submission of labeling for approval prior to use be limited to certain types of labeling, as specified in the regulations. In addition, FSIS plans to

reorganize and amend the regulations by consolidating the nutrition labeling rules that currently are stated separately for meat and poultry products (in part 317, subpart B, and part 381, subpart Y, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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

**RIN:** 0583-AC59

**198. PERFORMANCE STANDARD FOR CHILLING OF READY-TO-COOK POULTRY**

**Priority:** Other Significant

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

**CFR Citation:** 9 CFR 381.66

**Legal Deadline:** None

**Abstract:** FSIS is proposing a performance standard for the chilling of ready-to-cook poultry products that is intended to ensure the control of microorganisms on the products from a point after evisceration until the products are frozen, further processed, or packaged for shipment from the processing plant. The current specific time and temperature requirements for chilling poultry carcasses of various weights would be retained as alternative requirements that poultry processors could choose to meet. FSIS is taking this action to provide poultry processors with greater flexibility in achieving the purposes of the poultry chilling requirements whilst complying with the Agency's Hazard Analysis and Critical Control Point (HACCP) and other regulations. This proposal responds to petitions from industry trade associations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC87

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sally White, Director, International Equivalence Staff, Department of Agriculture, Food Safety and Inspection Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250  
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**Related RIN:** Duplicate of 0583-AC92

**RIN:** 0583-AD01

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## Proposed Rule Stage

**200. FOOD DEFENSE PLANS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 7 USC 138f; 7 CFR 2.18, 2.53; 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq**CFR Citation:** 9 CFR 420**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

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

**Agency Contact:** Bobby Palesano, Acting Deputy Executive Associate for Program Development, Department of Agriculture, Food Safety and Inspection Service, Room 2932, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD06**201. AVAILABILITY OF LISTS OF RETAIL CONSIGNEES DURING MEAT OR POULTRY PRODUCT RECALLS****Priority:** Other Significant**Legal Authority:** 5 USC 301, 552**CFR Citation:** 9 CFR 390**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to amend the federal meat and poultry products inspection regulations to provide that the Agency will make available to the public lists of the retail consignees of meat and poultry products that have been voluntarily recalled by a federally inspected meat or poultry products establishment. FSIS

is proposing this action because it believes that making this information available will be of significant value to consumers and the industry. It will clarify what products should be removed from commerce and from consumers' possession because there is reason to believe they are adulterated or misbranded.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 03/07/06 | 71 FR 11326 |
| NPRM Comment<br>Period End | 05/08/06 |             |
| Final Action               | 05/00/07 |             |

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

**Agency Contact:** Mr. Philip Derfler, Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, Room 350, Jamie L. Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250-3700  
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**RIN:** 0583-AD10**202. ELECTRONIC SIGNATURES****Priority:** Economically Significant. Major under 5 USC 801.

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

**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

that the signer cannot repudiate signed records as not genuine.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

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

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**RIN:** 0583-AD14**203. DEFINITIONS AND PROCEDURES FOR DETERMINING THE NET WEIGHT COMPLIANCE OF MEAT AND POULTRY PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** 9 CFR 317; 9 CFR 381; 9 CFR 442**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 03/28/06 | 71 FR 15340 |
| NPRM Comment<br>Period End | 05/30/06 |             |
| Final Action               | 02/00/07 |             |

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## Proposed Rule Stage

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and InspectionService, 1400 Independence Avenue SW, Washington, DC 20250  
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Email: robert.post@fsis.usda.gov  
**RIN:** 0583-AD17**Department of Agriculture (USDA)  
Food Safety and Inspection Service (FSIS)**

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**204. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq**CFR Citation:** 9 CFR 301; 9 CFR 303; 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 320; 9 CFR 325; 9 CFR 331; 9 CFR 381; 9 CFR 417; 9 CFR 430; 9 CFR 431**Legal Deadline:** None

**Abstract:** FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) 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. With HACCP, food safety performance standards 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 standards already in place for certain ready-to-eat meat and poultry products.

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM                         | 02/27/01 | 66 FR 12590 |
| NPRM Comment Period End      | 05/29/01 |             |
| NPRM Comment Period Extended | 07/03/01 | 66 FR 35112 |
| NPRM Comment Period End      | 09/10/01 |             |
| Interim Final Rule           | 06/06/03 | 68 FR 34208 |
| Interim Final Rule Effective | 10/06/03 |             |

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule Comment Period End | 01/31/05 |             |
| NPRM Comment Period Reopened          | 03/24/05 | 70 FR 15017 |
| NPRM Comment Period End               | 05/09/05 |             |
| Final Action                          | 12/00/06 |             |

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

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**RIN:** 0583-AC46

**205. NUTRITION LABELING OF SINGLE-INGREDIENT PRODUCTS AND GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS****Priority:** Economically Significant. Major under 5 USC 801.**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 nutrition labeling for the major cuts of single-ingredient, raw meat and poultry products, either on their label or at their point-of-purchase, unless an exemption applies. FSIS also proposed to require nutrition information on the label of ground or chopped meat and poultry products, unless an exemption applies. The requirements for ground or

chopped products will be consistent with those for multi-ingredient products.

FSIS also proposed to amend the nutrition labeling regulations to provide that when a ground or chopped product does not meet the regulatory criteria to be labeled "low fat," a lean percentage claim may be included on the 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     | FR Cite     |
|-----------------------------|----------|-------------|
| 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                | 09/00/06 |             |

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

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**RIN:** 0583-AC60

**206. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 321 et seq**CFR Citation:** 9 CFR 410; 21 CFR 130**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) have proposed to establish a set of general

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 05/20/05 | 70 FR 29214 |
| NPRM Comment<br>Period End | 08/18/05 |             |
| Final Action               | 03/00/07 |             |

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

**Agency Contact:** Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC72**207. PERFORMANCE CRITERIA FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES****Priority:** Other Significant**Legal Authority:** 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 9 CFR 424**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 12/01/00 | 65 FR 75187 |
| NPRM Comment<br>Period End | 04/02/01 |             |
| Final Action               | 03/00/07 |             |

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

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**RIN:** 0583-AC73**208. PETITIONS FOR RULEMAKING****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553**CFR Citation:** 9 CFR 392**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 01/12/06 | 71 FR 1988 |
| NPRM Comment<br>Period End | 03/13/06 |            |
| Final Action               | 03/00/07 |            |

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

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**RIN:** 0583-AC81**209. CLASSES OF POULTRY UPDATING POULTRY CLASS STANDARDS****Priority:** Other Significant**Legal Authority:** 21 USC 451**CFR Citation:** 9 CFR 381.170(a)**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/29/03 | 68 FR 55902 |
| NPRM Comment<br>Period End | 02/09/04 |             |
| Final Action               | 12/00/06 |             |

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

**Agency Contact:** Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC83

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### 210. PROHIBITION OF THE USE OF SPECIFIED RISK MATERIALS FOR HUMAN FOOD AND REQUIREMENTS FOR THE DISPOSITION OF NON-AMBULATORY DISABLED CATTLE

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations to designate the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine of all cattle, as “specified risk materials” (SRMs). The Agency declared that SRMs are inedible and prohibited their use for human food. In addition, as a result of the interim final rule, FSIS now requires that all non-ambulatory disabled cattle presented for slaughter be condemned. The Agency also requires that federally inspected establishments that slaughter cattle and federally inspected establishments that process the carcasses or parts of cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of SRMs. Establishments must incorporate these procedures into their HACCP plans or in their Sanitation SOPs or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the U.S. Department of Agriculture of a positive case of bovine spongiform encephalopathy (BSE) in an adult Holstein cow in the State of Washington. This action is intended to minimize human exposure to materials that scientific studies have demonstrated as containing the BSE agent in cattle infected with the disease. Infectivity has never been demonstrated in the muscle tissue of cattle experimentally or naturally infected with BSE at any stage of the disease.

#### Timetable:

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Interim Final Rule                                       | 01/12/04 | 69 FR 1862  |
| Interim Final Rule<br>Comment Period<br>End              | 05/07/04 |             |
| Interim Final Rule<br>Amendment                          | 07/07/05 | 70 FR 53043 |
| Interim Final Rule<br>Amendment<br>Comment Period<br>End | 10/07/05 |             |
| Final Action   | 09/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AC88

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations. The rule is designed, in part, to prevent human exposure to the Bovine Spongiform Encephalopathy (BSE) agent by ensuring that Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) systems are not a means of introducing central nervous system (CNS)-type tissue into product labeled as “meat.” Meat may be derived by mechanically separating skeletal muscle tissue from the bones of livestock, other than skulls or vertebral column bones of cattle 30 months of age and older, using advances in mechanical meat/bone separation machinery; i.e., AMR systems. The

recovered meat product may not incorporate any brain, trigeminal ganglia, spinal cord, or dorsal root ganglia tissues. In addition, there must be no more than a non-significant incorporation of bone solids or bone marrow as measured by the presence of calcium and iron in excess of the requirements in the interim final rule. This rule also requires that federally inspected establishments that process cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of specified risk materials (SRMs), including non-complying products from beef AMR systems. These procedures are required to be incorporated into an establishment’s HACCP plan, Sanitation Standard Operation Procedures, or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the Department of Agriculture of a positive case of BSE in an adult Holstein cow in the State of Washington.

#### Timetable:

| Action                                      | Date     | FR Cite    |
|---|----------|------------|
| Interim Final Rule                          | 01/12/04 | 69 FR 1874 |
| Interim Final Rule<br>Comment Period<br>End | 05/07/04 |            |
| Final Action                                | 12/00/06 |            |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

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**Related RIN:** Duplicate of 0583-AC51

**RIN:** 0583-AD00

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

**Priority:** Other Significant

**Legal Authority:** Federal Meat Inspection Act; . . .

**CFR Citation:** 9 CFR 313

**Legal Deadline:** None



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

**Timetable:**

| Action                                      | Date     | FR Cite    |
|---|----------|------------|
| Interim Final Rule                          | 01/12/04 | 69 FR 1885 |
| Interim Final Rule<br>Comment Period<br>End | 05/07/04 |            |
| Final Action                                | 09/00/06 |            |

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

**Agency Contact:** Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD03**213. FREQUENCY OF FOREIGN INSPECTION SYSTEM SUPERVISORY VISITS TO CERTIFIED FOREIGN ESTABLISHMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 to 695; 7 CFR 2.18, 2.53; 7 USC 138f, 450; 21 USC 451 to 470**CFR Citation:** 9 CFR 327.2; 9 CFR 381.96**Legal Deadline:** None

**Abstract:** FSIS will amend its regulations to change the required frequency of foreign inspection system supervisory visits to certified foreign establishments so as to bring FSIS import requirements into agreement with its requirements for domestic establishments. FSIS will delete the

current requirement that supervisory visits take place “not less frequent[ly] than one such visit per month.” In its place, FSIS will require foreign inspection systems to make “periodic supervisory visits” to certified establishments in order to ensure that such establishments continue to meet FSIS requirements for certification to export meat and poultry to the United States.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/18/04 | 69 FR 51194 |
| NPRM Comment<br>Period End | 10/18/04 |             |
| Final Action               | 09/00/06 |             |

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

**Agency Contact:** Sally White, Director, International Equivalence Staff, Department of Agriculture, Food Safety and Inspection Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250  
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**RIN:** 0583-AD08**214. ACCREDITED LABORATORY PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq**CFR Citation:** 9 CFR 318, 381, and 439**Legal Deadline:** None

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

**Timetable:**

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

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

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**RIN:** 0583-AD09**215. ALLOWING BAR-TYPE CUT TURKEY OPERATIONS TO USE J-TYPE CUT MAXIMUM LINE SPEEDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 451 et seq**CFR Citation:** 9 CFR 381.68**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/09/05 | 70 FR 53582 |
| NPRM Comment<br>Period End | 12/08/05 |             |
| Final Action               | 03/00/07 |             |

USDA—FSIS

Final Rule Stage

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**216. • ADDITION OF THE PEOPLE’S REPUBLIC OF CHINA TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT PROCESSED POULTRY AND POULTRY PRODUCTS TO THE UNITED STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 138f, 450;; 7 USC 451 to 470,

**CFR Citation:** 7 CFR 2.18, 2.53; 9 CFR 381

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is proposing to add the People’s Republic of China to the list of countries eligible to export processed poultry and poultry products to the United States.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/23/05 | 70 FR 70746 |
| NPRM Comment Period End | 01/23/06 |             |
| Final Action            | 03/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0583-AD20

Department of Agriculture (USDA)

Completed Actions

Food Safety and Inspection Service (FSIS)

**217. INCREASES IN FEES FOR MEAT, POULTRY, AND EGG PRODUCTS INSPECTION SERVICES—FISCAL YEARS 2006 TO 2008**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 391.2 Base Time Rate; 9 CFR 391.3 Ove; 9 CFR391.5 Laboratory accreditation fee; 9 ; 9 CFR 590.128 Holiday inspection service; ; 9 CFR 592.520 Overtime rate; 9 CFR 592.530 Ho

**Completed:**

| Reason       | Date     | FR Cite    |
|--------------|----------|------------|
| Final Action | 01/13/06 | 71 FR 2135 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AD12

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 9 CFR 327

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 11/21/05 | 70 FR 70033 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AD16

**219. • FOOD LABELING; NUTRIENT CONTENT CLAIMS, DEFINITION OF THE TERM “HEALTHY”**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) has deferred extending indefinitely, until further notice, implementation of the requirements that individual meat and poultry products and that meal-type products bearing the claim products bearing the claim “healthy” (or any derivative of the term “health”) contain no more than 480 mg of sodium.

**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Interim Final Rule                    | 01/11/06 | 71 FR 1683 |
| Interim Final Rule Comment Period End | 02/10/06 |            |
| Interim Final Rule Effective          | 01/11/06 |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0583-AD19

**220. • ANTE-MORTEM INSPECTION OF HORSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 601 7 USC 1622

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Food Safety and Inspection Service (FSIS) is amending

## USDA—FSIS

## Completed Actions

the Federal meat inspection regulations to provide for a voluntary fee-for-service program under which official establishments that slaughter horses will be able to apply for and pay for ante-mortem inspection. The fiscal year (FY) 2006 Appropriations Act prohibits the use of appropriated funds to pay the salaries or expenses of FSIS personnel to conduct ante-mortem inspection of horses. The Joint Explanatory Statement of the Committee of Conference on the FY 2006 appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, however, provides that the Department of Agriculture is obliged to provide for inspection of meat for

human consumption. FSIS is establishing this fee-for-service program under the Agricultural Marketing Act. Post-mortem inspection and other inspection activities authorized by the Federal Meat Inspection Act at official establishments that slaughter horses would continue to be paid for with appropriated funds, except for overtime or holiday inspection services.

**Timetable:**

| Action                                      | Date     | FR Cite    |
|---|----------|------------|
| Interim Final Rule                          | 02/08/06 | 71 FR 6337 |
| Interim Final Rule<br>Comment Period<br>End | 03/10/06 |            |
| Interim Final Rule<br>Effective             | 03/10/06 |            |

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

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**RIN:** 0583-AD21**BILLING CODE** 3410-DM-S
**Department of Agriculture (USDA)  
Foreign Agricultural Service (FAS)**

## Proposed Rule Stage

**221. QUALITY SAMPLES PROGRAM**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Rule proposes to establish regulations applicable to the Quality Samples Program (QSP), currently authorized by section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f). This proposed rule would codify existing guidelines. The rule would provide

specific regulations concerning program administration. Significant provisions include program objectives and priorities, eligible organizations, qualification requirements, application and review processes, reimbursement rules and procedures, financial reporting and program evaluation requirements, and program controls.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 06/00/06 |         |

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

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

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**RIN:** 0551-AA68
**Department of Agriculture (USDA)  
Foreign Agricultural Service (FAS)**

## Final Rule Stage

**222. NEW PROVISIONS AND REVISIONS TO SUGAR REEXPORT PROGRAMS UNDER 7 CFR 1530****Priority:** Other Significant**Legal Authority:** 19 USC 1202; 19 USC 3314**CFR Citation:** 7 CFR 1530**Legal Deadline:** None

**Abstract:** This regulation governs the importation of world price sugar and its subsequent use as a refined reexport, product ingredient, or input into the production of polyhydric alcohols. The proposed amendments and/or modifications are principally aimed at

reorganizing and simplifying the complexity of the current regulation; clarifying certain definitions, including the coverage of beet and cane sugar; extending the scope of the regulation to specially include toll operations, which was inadvertently omitted; and implementing Mexico-NAFTA legal commitments. The proposed action will provide for increased operational efficiencies and promote the Government's objectives regarding regulatory simplification.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 05/01/03 | 68 FR 23230 |

| Action                      | Date     | FR Cite    |
|-----------------------------|----------|------------|
| ANPRM Comment<br>Period End | 06/02/03 |            |
| NPRM                        | 01/21/05 | 70 FR 3150 |
| NPRM Comment<br>Period End  | 03/22/05 |            |
| Final Action                | 07/00/06 |            |

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

**Agency Contact:** Kimberly Chisley, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural

## USDA—FAS

## Final Rule Stage

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RIN: 0551-AA65

BILLING CODE 3410-10-S

Department of Agriculture (USDA)  
Forest Service (FS)

## Proposed Rule Stage

223. INDIAN ALLOTMENTS ON  
NATIONAL FOREST SYSTEM LANDS

**Priority:** Other Significant

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

**CFR Citation:** 36 CFR 254

**Legal Deadline:** None

**Abstract:** This proposed rule sets forth the Forest Service role and procedures in the conveyance of Indian allotments on National Forest System (NFS) lands. The Indian Allotment Act of 1910, as amended, authorizes the Secretary of the Interior to make allotments of NFS lands to American Indians for homesteading and agricultural and grazing purposes, but only after a determination by the Secretary of Agriculture that the lands are more valuable for agriculture or grazing than for timber. The Forest Service has relied upon U.S. Department of the Interior rules and procedures at 43 CFR part 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require the Forest Service to set forth its own regulations. This proposed rule clarifies the role of the Forest Service in the allotment process. It preserves the rights of affected individual American Indians who wish to apply for allotments on NFS lands. An earlier version of this proposed rule was published in the Federal Register on June 22, 1987 (52 FR 23473). Very few comments were received on the 1987 proposed rule, and this revision of the proposed rule makes only limited changes needed to update the rule due to the passage of 18 years since publication of the first version of the proposed rule. Because of the amount of time that has elapsed since the earlier version of the proposed rule was published, the Agency believes that it is in the public interest to publish a revised proposed rule and request comment prior to adopting a final rule.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0596-AA52

224. SPECIES SURPLUS TO  
DOMESTIC MANUFACTURING NEEDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 620 et seq.

**CFR Citation:** 36 CFR 223.200

**Legal Deadline:** None

**Abstract:** This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 620a(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620 et seq.). Section 620a(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in subsection (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in

Federal lands which the Secretary determines, through rulemaking, to be surplus to domestic manufacturing needs.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0596-AB27

225. APPEAL OF DECISIONS  
RELATING TO OCCUPANCY AND USE  
OF NATIONAL FOREST SYSTEM  
LANDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 472; 16 USC 551

**CFR Citation:** 36 CFR 212; 36 CFR 214; 36 CFR 215; 36 CFR 228; 26 CFR 241; 36 CFR 251; 36 CFR 254; 36 CFR 292

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed rule to revise the process by which certain parties can appeal decisions relating to authorizations for use and occupancy of National Forest System lands and resources. This proposed rule would create a new part 214 to replace regulations at 36 CFR part 251, subpart C. The Forest Service has a continuing commitment to review its regulations periodically, to identify specific problems in administering them, and to determine whether they meet agency and public needs. Experience with the procedures at 36 CFR part 251, subpart C, has shown that certain provisions in the rule consistently raise questions.

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## Proposed Rule Stage

Thus, the agency has identified a need to amend the procedures at 36 CFR part 251, subpart C, to correct and clarify aspects of the part 251 appeals process and its relationship to the amended appeal rule at 36 CFR part 215. Among specific changes being proposed are acknowledgement that this is the appropriate part for appeal of decisions related to locatable mining operations; making terminology consistent with part 215; establishing time frames for intervening, scheduling oral presentations or requesting stays; clarifying that decisions to deny permits for noncommercial group use are not subject to appeal, but rather are immediately subject to judicial review; and making conforming technical revisions to 36 CFR parts 212, 215, 228, 241, 251, 254, and 292.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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**RIN:** 0596-AB45**226. LAW ENFORCEMENT SUPPORT ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1011(f); 16 USC 472; 16 USC 551; 16 USC 559(a) to 559(g); 40 USC 484(m)**CFR Citation:** 36 CFR 262**Legal Deadline:** None

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

The Forest Service is proceeding with publication of a second proposed rule for part 262, Law Enforcement Support Activities. The proposed revisions to

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

**Timetable:**

| Action       | Date     | FR Cite    |
|--------------|----------|------------|
| NPRM         | 02/16/94 | 59 FR 7880 |
| NPRM Comment | 05/18/94 |            |
| Period End   |          |            |
| Second NPRM  | 04/00/06 |            |

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

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**RIN:** 0596-AB61**227. NONCOMPETITIVE SALE OF TIMBER; TIMBER SUBSTITUTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472(a)**CFR Citation:** 36 CFR 223.85**Legal Deadline:** None

**Abstract:** This proposed rule would revise 36 CFR 223.85 by changing the reference to 16 USC 472(d) to 16 USC 472a(d). This proposed rule would revise the existing regulations regarding noncompetitive sale of timber based on the Secretary of Agriculture's determination that "extraordinary conditions" exist to apply to sales agency wide. This proposed rule would

add paragraph (c), which further defines extraordinary conditions to allow forest officers, without advertisement, to make modifications to awarded timber and forest product sales, which result in the substitution of timber or forest products from outside the sale area specified in the contract. This would be applied to situations where replacement timber from outside the sale area could be substituted for timber lost as a result of litigation or catastrophic events. Substitute timber or forest products must be from the same national forest, and meet agency requirements for compliance with the National Environmental Protection Act, the National Forest Management Act, and notice, comment, and appeal procedures at 36 CFR part 215. This proposed rule would authorize the Forest Service to propose timber sale modifications and to enter into discussions with purchasers on such modifications. But, timber purchasers would not be obligated to accept any proposed modifications.

To the extent that timber sale cancellations and partial cancellations are avoided, the effect of this proposed rule would be to reduce future damage claims on timber sales.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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**RIN:** 0596-AB70**228. 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

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## Proposed Rule Stage

**Abstract:** This proposed rule for timber export and substitution restrictions would implement the provisions of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended in 1997. The proposed rule defines the certain terms necessary to facilitate uniform compliance; prohibits transfer of unprocessed private timber for export by a person who possesses or acquires unprocessed Federal timber; prohibits export of such unprocessed private timber by a third or successive party; prescribes procedures for reporting the acquisition and disposition of National Forest System (NFS) and private timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed NFS and private timber requiring domestic processing; and establishes procedures for assessing civil and criminal penalties and applying administrative remedies for violations of the Act, its implementing regulations, and contracts subject to the Act.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AB75

**229. LOCATABLE MINERALS**

**Priority:** Other Significant

**Legal Authority:** 30 USC 21 to 54; 30 USC 612

**CFR Citation:** 36 CFR 228, subpart A

**Legal Deadline:** None

**Abstract:** This revision follows recommended changes developed by the Government Accountability Office and Office of Inspector General audits and recommendations in the National Research Council's 1999 report titled "Hard rock Mining on Federal Lands." The proposed rule would improve the

administration of the locatable minerals program. The proposed rule's objectives are to improve the process for modifying, suspending, and terminating plans of operation; improve the process of reviewing and adjusting reclamation bonds to cover the full cost of reclamation; improve the process of managing temporary closures; define proper occupancy and use; and improve noncompliance and enforcement actions. This proposed rule revision will increase the efficiency of locatable minerals administration and protect the public from funding mine reclamation.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB98

**230. PREDATOR DAMAGE MANAGEMENT (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 426

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a notice of proposed directive to FSM 2320 to clarify the role of the Forest Service in predator damage management in wilderness. In 1993, the Forest Service entered into a memorandum of understanding (MOU) with the Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) to clarify the Forest Service's role in working with APHIS-WS regarding predator damage management activities conducted by APHIS-WS on National Forest System lands. In 1995, direction was issued to FSM 2650 to bring Forest Service policy on predator damage management

into conformance with the MOU. Additionally in 1995, an interim directive to FSM 2323.33c was issued regarding predator damage management in wilderness to conform with both the MOU and FSM 2650. The interim directive clarified the role of APHIS-WS as the lead agency in preparing environmental documentation for predator control activities initiated by APHIS. The interim directive to FSM 2323.33c was reissued in 1997 and expired in 1998. Therefore, the current direction in effect in FSM chapter 2320 does not reflect the MOU or policy changes made in FSM 2650. A Washington Office team is working with Regional staff, APHIS-WS, and the Office of General Counsel to amend FSM 2320 to conform with the MOU, FSM 2650, and clarify and strengthen the Forest Service's role and responsibility regarding predator damage management action in wilderness. Comments received on this proposed directive will be considered in the development of the final directive.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Proposed Directive | 04/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC22

**231. RECREATION EVENT FEES (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2720)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 497, 551

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed directive to amend Forest Service Manual 2721.49 regarding the basis of determining fees for recreation events. Currently, fees are based on a percentage of gross

## USDA—FS

## Proposed Rule Stage

revenues. The proposed fee system would establish a fee based on the number of people involved in the event. This modification in the fee system would result in fees similar to the Bureau of Land Management for this type of use. Additionally, the modification would reduce the administrative workload, for both holders and the Government, associated with the auditing of records for permits that generate less than \$100,000 in revenue.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Proposed Directive | 02/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC24

### 232. OUTFITTER AND GUIDE SPECIAL USE AUTHORIZATIONS (PROPOSED DIRECTIVES, FOREST SERVICE HANDBOOK 2709.11, CHAPTERS 30 AND 40)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 497

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a proposed directive to amend certain portions of agency direction for outfitter/guide special use authorizations. This action is being taken to ensure quality long-term public service and reduce administrative burden to small business and the Agency. The proposed directive would revise a number of existing provisions and provide new direction. For example, the current fee system would change from one based on a percentage of gross revenue to a flat rate concession fee for minor uses; guidance for considering capacity analysis would be developed, and the transfer and renewal of existing

authorizations and the accommodation of short term use would be clarified.

**Timetable:**

| Action              | Date     | FR Cite |
|---------------------|----------|---------|
| Proposed Directives | 10/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC25

### 233. SECRETARY DETERMINATION THAT DOMESTIC SPECIES OF UNPROCESSED TIMBER ARE SURPLUS TO DOMESTIC NEEDS WITHIN THE ZONE OF SOUTHERN CALIFORNIA

**Priority:** Other Significant

**Legal Authority:** 16 USC 620

**CFR Citation:** 36 CFR 223.200(d)

**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to amend 36 CFR 223.200 to add a new paragraph (d) to address the Secretary of Agriculture's proposed determination that domestic species of unprocessed timber within the zone of southern California are being considered surplus to domestic needs. Section 439 of Public Law 101-382, the Forest Resources Conservation and Shortage Relief Act (16 USC 620 note, 620, 620a-j) established special authorities for determining if specific quantities of grades and species of unprocessed timber originating from Federal lands is surplus to domestic manufacturing needs.

Extended drought conditions, overstocking, and increased bark beetle activities have created a forest health and fuels management crisis on national forests in southern California. The San Bernardino National Forest, the most heavily impacted national forest, has identified over 100,000 acres of dead and dying timber for priority treatment, with an estimated 140 million board feet of salvage volume.

As of September 2003, over 474,000 acres of the gross acreage within the forest boundary is showing significant vegetative mortality. Processing infrastructure such as loggers, log trucks, or mills do not exist in the area. Most of this timber volume is economically inaccessible to the domestic timber market.

The Secretary's proposed determination that domestic species of unprocessed timber is surplus to domestic needs would allow the lifting of export restrictions so unprocessed timber could be offered on the foreign market. This action would increase utilization of dead and dying timber, increase capability to reduce hazardous fuels, and decrease government costs.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC27

### 234. NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES

**Priority:** Other Significant

**Legal Authority:** 16 USC 472, 551, 1612 note

**CFR Citation:** 36 CFR 215

**Legal Deadline:** None

**Abstract:** The Forest Service promulgated a final rule on June 4, 2003 (68 FR 33595), at 36 CFR part 215, revising the process by which the public can receive notice and be provided an opportunity to comment on proposed actions for projects and activities implementing a land management plan prior to a decision by the Responsible Official. The rule also established an appeal process and identified the decisions that may be

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appealed, who may appeal those decisions, the responsibilities of the participants in an appeal, and the procedures that apply for the prompt disposition of the appeal.

Since publishing the current rule at 36 CFR part 215, the Forest Service has identified inconsistencies between sections of this regulation, sections that are inconsistent with other regulations, and some inadvertent omissions. Therefore, the Forest Service is proposing a technical amendment to the rule to resolve inconsistencies and clarify intent.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC28

### 235. CLARIFYING PROHIBITIONS AGAINST DAMAGE TO THE NATIONAL FOREST BY ESCAPED FIRES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551

**CFR Citation:** 36 CFR 261.1; 36 CFR 261.2; 36 CFR 261.5

**Legal Deadline:** None

**Abstract:** The Forest Service intends to amend 36 CFR 261.1, 261.2, and 261.5 to clarify that strict liability will be applied to a person who commits a prohibited action under section 261 that results in a fire escaping and damaging or threatening National Forest System lands. This section has not been interpreted consistently in the courts. Amending the CFR to align with the Model Penal Code definitions of criminal intent will achieve consistency in application and interpretation.

In addition, the CFR will be amended to clarify that a person conducting a legitimate prescribed fire on private or

public lands adjacent to National Forest System Lands will be subject to the Model Penal Code standard of negligence. This will bring the law enforcement action in line with the objectives and goals of the National Fire Plan and the Healthy Forest Initiative by assuring those who conduct those activities with due diligence will not be subject to a strict liability interpretation in 36 CFR 261.5.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC30

### 236. REVISIONS TO GENERAL PROHIBITIONS REGARDING LIVESTOCK AND WILD FREE-ROAMING HORSES AND BURROS ON NATIONAL FOREST SYSTEM LANDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 551

**CFR Citation:** 36 CFR 261.7 ; 36 CFR 261.21

**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to revise title 36 of the Code of Federal Regulations, subpart A, section 261.7 and section 261.21, to clarify ambiguity regarding whether strict liability must be proven for the general prohibitions in each section.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC31

### 237. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTATION FOR SPORICIDE USE ON NATIONAL FOREST SYSTEM LANDS (PROPOSED DIRECTIVE, FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321 to 4346

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is considering development of a new Categorical Exclusion (CE) to Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, chapter 30, which addresses categories of action that normally do not require either an environmental impact statement (EIS) or environmental assessment (EA). The new category would be applicable to the use of fungicide on recently cut trees through thinning or other tree cutting activity in conjunction with the Healthy Forest Initiative categorical exclusions (and possibly other situations). Coordination with other governmental agencies will be conducted during development of the aforementioned CE.

The Healthy Forest Initiatives (HFI) Categorical Exclusion 31.2(10) states 'Hazardous fuels reduction activities... (d) shall not include the use of herbicide or pesticides...' It has come to our attention that a frequently connected action of thinning for fuels reduction is the use of sporax or borax fungicide to maintain stand health. Such fungicides, although commonly used in forestry and elsewhere, are technically classified as a pesticide and as such are not allowed under 31.2(10). This incongruity has had the following effect: (a) Some units may be alternatively using timber sale improvement category 31.2(6) or other categories, because they do not preclude the use of fungicides. This results in an underreporting of HFI accomplishments, and given the scope



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of the other categories, it is likely that fewer acres are being treated; (b) Although not confirmed, some units may not be treating the harvested stands to protect against fungal agents which could put stands at risk; and (c) Some units may be alternatively using environmental assessments. This results in increased planning costs and time and underreporting of HFI accomplishments.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Proposed Directive | 04/00/06 |         |

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

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**RIN:** 0596-AC32**238. PISCICIDE APPLICATIONS ON NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 36 CFR 241; 36 CFR 251.50(a); 36 CFR 261.9(f)**Legal Deadline:** None

**Abstract:** State Fish and Game agencies typically use piscicides as a tool for managing fish populations in water bodies of the U.S. At times, these State agencies apply piscicides when they conduct fisheries management on water within the National Forest Systems lands. Current regulations at 36 CFR 251.5 and 261.9(f), require permits for all land uses and prohibit the use of any pesticide on National Forest System lands “. . . except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.” The wording in these regulations has led to confusion and inconsistent application of Forest Service piscicide policy that has delayed restoration projects and strained working relationships with State cooperators.

Therefore, the Forest Service is proposing that the regulations at 36

CFR part 241 (Fish and Wildlife), 36 CFR part 251, subpart B, (Special Uses, 251.50(a)), and 36 CFR part 261, subpart A (General Prohibitions, 36 CFR 261.9(f)) be modified to allow State Game and Fish agencies to apply piscicides without first having to obtain a special use authorization, under certain conditions. A special use authorization would still be required for piscicide application within wilderness areas. The regulation could help eliminate redundancy with other State and Federal laws and regulations and improve the implementation of restoration and management projects.

Eliminating the Forest Service special use authorization requirement for this use is not expected to change the frequency of piscicide applications on National Forest System lands or change how piscicides are used. States are required to comply with other Federal laws when applying piscicides, such as the Federal Water Pollution Control Act and the Endangered Species Act.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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**RIN:** 0596-AC33**239. CLARIFICATION FOR THE APPROPRIATE USE OF A CRIMINAL OR A CIVIL CITATION TO ENFORCE MINERAL REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 36 CFR 261.10 (b); 36 CFR 261.10 (k)**Legal Deadline:** None

**Abstract:** The Forest Service is proposing to amend the regulations at 36 CFR 261.10 to clarify when a criminal citation should be used for unauthorized mining operations. This

revision is necessary to address recent adverse District Court decisions which have found that sections 261.10(b) and (k) do not apply to the enforcement of unauthorized mining operations. These sections deal with taking possession of, occupying, or using National Forest System lands for residential purposes, and the use or occupancy of the lands or facilities, respectively. Adding appropriate language would make it clear that these sections do apply to mineral operations.

In addition, in the definitions section where operating plan is defined, references to other mineral-related regulations will be added to indicate that 36 CFR 261.10 applies to them as well.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

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

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**RIN:** 0596-AC38**240. TRAVEL MANAGEMENT (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL 2300 AND 7700)****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 11644; 36 CFR 212**CFR Citation:** None**Legal Deadline:** None

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

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Proposed Directive | 04/00/06 |         |

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

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**RIN:** 0596-AC39**241. • NATIVE PLANT MATERIALS POLICY (PROPOSED DIRECTIVE, FOREST SERVICE MANUAL 2070)****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 13112; 36 CFR 219.10(b)**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Forest Service is developing new proposed directives to Forest Service Manual 2070, Native Plant Materials, which would address

the uses of native plant materials in the revegetation, restoration, and rehabilitation of National Forest System lands in order to achieve the Agency's goal of conserving aquatic and terrestrial biological diversity. The proposed policy would include a requirement to collaborate with Federal, State, and local government entities and the public to develop and implement a program for native plant materials with emphasis on life forms beyond the current conifer effort.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Proposed Directive | 04/00/06 |         |

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

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**RIN:** 0596-AC44**242. • SMALL BUSINESS ADMINISTRATION TIMBER SALE SET-ASIDE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 36 CFR 223.118**CFR Citation:** None**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| Proposed Interim Directive | 04/00/06 |         |

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

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**RIN:** 0596-AC46**Department of Agriculture (USDA)  
Forest Service (FS)****Final Rule Stage****243. SALE AND DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a; 16 USC 551; 16 USC 618**CFR Citation:** 36 CFR 223.30; 36 CFR 223.40; 36 CFR 223.116**Legal Deadline:** None

**Abstract:** The Forest Service is issuing a final rule to revise current regulations regarding cancellation of timber sale contracts, permits, and other such instruments authorizing the sale or harvest of timber or other forest products. This rule is needed to clarify when, why, and by whom contracts may be cancelled to remove redundant provisions and to provide a new formula for compensation when the Government must cancel timber sale

contracts. The Forest Service takes every precaution before authorizing a particular activity on National Forest System lands to ensure that its authorization conforms with existing laws and with existing conditions on the ground at the time of the authorization. The current regulations place an inappropriate amount of financial liability on the Forest Service when the agency must, for reasons of public policy, judicial decision, or

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statutory direction, cancel a timber sale contract or permit. The regulatory changes are necessary because the Forest Service is unable to continue bearing the majority of the financial risk and burden of contract cancellations. This rule would more reasonably allocate the risk between the Government and private parties. Establishing these reasonable limits to the Government's exposure to financial liability and burden of risk in the event of contractual changes or contract cancellations is critical to protecting the public's financial interests.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 12/30/96 | 61 FR 68690 |
| NPRM Comment<br>Period End | 02/13/97 |             |
| Final Action               | 10/00/06 |             |

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

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**RIN:** 0596-AB21

**244. SPECIAL FOREST PRODUCTS AND FOREST BOTANICAL PRODUCTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-113

**CFR Citation:** 36 CFR 223

**Legal Deadline:** None

**Abstract:** The Forest Service is promulgating regulations for managing special forest products and forest botanical products. The regulations will guide the Forest Service in the administration of the broader category of special forest products. The interim final rule also implements Public Law 106-113, which authorizes a pilot program of charges and fees for harvest of forest botanical products. Forest botanical products include products such as herbs, berries, seeds, and wildflowers that are not wood products. The intended effect of this rule is to give guidance and provide consistency for the sustainability and

sale of special forest products including forest botanical products.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0596-AB81

**245. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING CATEGORICAL EXCLUSION (FINAL DIRECTIVE, FOREST SERVICE HANDBOOK 1909.15, CHAPTER 30)**

**Priority:** Other Significant

**Legal Authority:** 16 USC et seq.; 5 USC 301

**CFR Citation:** 36 CFR 219, subpart A

**Legal Deadline:** None

**Abstract:** The Forest Service requested comment on a proposed revision to its procedures for implementing the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations. This revision is being proposed at Forest Service Handbook 1909.15, chapter 30, which describes categorical exclusions, that is, categories of actions that will not result in significant impacts on the human environment and which are therefore exempt from requirements to prepare further NEPA documentation absent extraordinary circumstances. The proposal would add one such category of actions to the agency's NEPA procedures for final approvals on proposals to develop, amend, or revise land management plans that are comprised of five components which are desired conditions, objectives, guidelines, suitability of areas, and special areas for a forest. This proposal was published in conjunction with the final Forest Service planning regulations published January 5, 2005.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 12/06/02 | 67 FR 72770 |
| NPRM Comment<br>Period End | 03/24/03 |             |
| Final Rule                 | 01/05/05 | 70 FR 1023  |
| Proposed Directive         | 01/05/05 | 70 FR 1062  |
| Comment Period End         | 03/07/05 |             |
| Final Action               | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AB86

**246. FOREST SERVICE TRAILS ACCESSIBILITY GUIDELINES (FINAL INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2350)**

**Priority:** Other Significant

**Legal Authority:** 49 USC 4151; 29 USC 794; 7 CFR 15e

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR part 15e require that new or reconstructed facilities be accessible. The Forest Service Trails Accessibility Guidelines in this interim 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 interim 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.

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**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| Proposed Interim Directive | 02/17/05 | 70 FR 8066 |
| Comment Period End         | 04/18/05 |            |
| Final Interim Directive    | 04/00/06 |            |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AB92

#### 247. FOREST SERVICE OUTDOOR RECREATION ACCESSIBILITY GUIDELINES (FINAL INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2330)

Priority: Other Significant

Legal Authority: 42 USC 4151; 29 USC 794; 7 CFR 15e

CFR Citation: None

Legal Deadline: None

**Abstract:** The Architectural Barriers Act of 1968, section 504 of the Rehabilitation Act of 1973, and 7 CFR part 15e require that new or reconstructed facilities be accessible. The interim Forest Service Outdoor Recreation Accessibility Guidelines would amend Forest Service Manual (FSM) chapter 2330, Publicly Managed Recreation Opportunities, by establishing clear agency guidelines to provide the highest level of accessibility for the greatest number of people, including persons with disabilities, while not fundamentally altering the environment and recreational setting. Outdoor recreation facilities include campgrounds, picnic areas, beach access and other access routes, and so on. The interim policy also would clarify direction regarding existing requirements for the Golden Access Passport eligibility and documentation utilized by all Federal agencies under the 1980 amendment to the Land and Water Conservation Fund Act. Comments will be considered in development of the final guidelines.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| Proposed Interim Directive | 02/17/05 | 70 FR 8066 |
| Comment Period End         | 04/18/05 |            |
| Final Interim Directive    | 04/00/06 |            |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AB93

#### 248. DELEGATION OF AUTHORITY TO APPROVE FREE USE BY INDIVIDUALS

Priority: Info./Admin./Other

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.8

Legal Deadline: None

**Abstract:** The Forest Service published an interim final rule to revise the current regulations at 36 CFR 223.8 to increase the value of timber and special forest products on National Forest System lands made available for free use. The current regulation, which has not been updated for over 30 years, provides for free use of timber up to \$20 in value in any one fiscal year. Forest Supervisors may grant permits of material not exceeding \$100 in value. Regional Foresters may approve permits for larger amounts and, in times of emergency, may delegate authority to Forest Supervisors for up to \$500 in value. Prior approval is required by the Chief if the amount exceeds \$5,000 in value. The market value of timber and special forest products has increased, however, and therefore, the regulation needs to be updated to reflect current values. This increase will authorize Forest Supervisors and Regional Foresters to provide free use of timber and special forest products up to \$5,000 and \$10,000 in value respectively. Comments received will be considered in the development of the final rule.

**Timetable:**

| Action                                | Date     | FR Cite   |
|---------------------------------------|----------|-----------|
| Interim Final Rule                    | 01/04/06 | 71 FR 523 |
| Interim Final Rule Comment Period End | 03/06/06 |           |
| Final Action                          | 04/00/06 |           |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AC09

#### 249. PREDECISIONAL ADMINISTRATIVE REVIEW AND OBJECTION PROCESS FOR PROJECTS AUTHORIZED UNDER HEALTHY FORESTS RESTORATION ACT OF 2003

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-148

CFR Citation: 36 CFR 215; 36 CFR 218, subpart A

**Legal Deadline:** Other, Statutory, January 5, 2004, PL 108-148, sec 105. The Healthy Forest Restoration Act of 2003 (HFRA) required the Secretary of Agriculture to promulgate interim final regulations within 30 days after the enactment of the Act.

**Abstract:** The Forest Service promulgated an interim final rule on January 9, 2004 (69 FR 1529), at 36 CFR part 218, to establish a predecisional administrative review process whereby persons can seek administrative review and file objections for hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act of 2003 (HFRA). The Agency solicited public comment on the interim final rule for a 90-day period. The comments received will be utilized to finalize 36 CFR part 218.

**Timetable:**

| Action             | Date     | FR Cite    |
|--------------------|----------|------------|
| Interim Final Rule | 01/09/04 | 69 FR 1529 |

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| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule<br>Comment Period<br>End | 04/08/04 |         |
| Final Action                                | 09/00/06 |         |

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

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**RIN:** 0596-AC15**250. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER SALE CONTRACTS; MODIFICATION OF CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472a; 16 USC 618; 16 USC 620 to 620j**CFR Citation:** 36 CFR 223.112**Legal Deadline:** None

**Abstract:** The Forest Service is adopting a final rule at part 223, subpart B, of title 36, Code of Federal Regulations, section 223.112. This final rule authorizes timber sale contracting officers to modify contracts to provide a redetermination of stumpage rates and deposits to reflect significant timber market declines. This rule applies to existing timber sale contracts awarded after October 1, 1995, that have been suspended for more than 90 days, during the normal operating season because of administrative appeals or litigation, through no fault of the timber purchaser.

This final rule provides relief for purchasers in this situation by enabling them to obtain stumpage rate redeterminations to continue existing contracts after the suspension has been lifted to ensure the economic viability of the sale.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Interim Final Rule | 04/09/04 | 69 FR 18813 |

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule<br>Comment Period<br>End | 06/08/04 |         |
| Final Action                                | 06/00/06 |         |

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

**Agency Contact:** Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003  
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**RIN:** 0596-AC16**251. ONSHORE OIL AND GAS OPERATIONS; FEDERAL AND INDIAN OIL AND GAS LEASES; ONSHORE OIL AND GAS ORDER NUMBER 1, APPROVAL OF OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 223 et seq.**CFR Citation:** 36 CFR 228**Legal Deadline:** None

**Abstract:** Through a joint Federal Register publication, the Bureau of Land Management (BLM), acting as lead agency, and the Forest Service are proposing to revise the current 1983 Onshore Oil and Gas Order Number 1 (Order). The new proposed Order is being jointly published by the Forest Service and the BLM to facilitate common conservation practices and procedures across agency boundaries.

The Order provides the requirements necessary for the approval of all proposed oil and gas exploratory, development, or service wells on all Federal and Indian (except Osage Tribe) onshore oil and gas leases. The revision is necessary due to provisions of the 1987 Federal Onshore Oil and Gas Leasing Reform Act, legal opinions, court cases since the Order was issued in 1983, and other policy and procedural changes. The revised Order would address the submittal of a complete Application for Permit to Drill or Deepen package, including a Drilling Plan, Surface Use Plan or Operations, evidence of bond coverage, operator certification, and clarification as to when a BLM right-of-way grant

or Forest Service special use permit are needed to authorize secondary uses supporting the oil and gas operation.

The proposed rule changes to 36 CFR part 228 would include: (1) Removal of a specific reference to the 1983 Order to a reference that plans of operations or master development plans be submitted "in accordance with the current applicable Onshore Oil and Gas Order," (2) removal of the appendix (text of 1983 Order), and (3) removal of a non-existent cross-reference to appeal procedures at 36 CFR part 217 and replacing that reference with "the current applicable agency appeal procedures," and (4) inclusion of 5 congressionally-mandated categorical exclusions promulgated in section 390 of the Energy Policy Act of 2005.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/27/05 | 70 FR 43349 |
| NPRM Comment<br>Period End | 08/26/05 |             |
| Final Action               | 04/00/06 |             |

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

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**RIN:** 0596-AC20**252. INTEGRATED RESOURCE CONTRACTS, FS-2400-13 AND FS-2400-13T (NOTICE OF FINAL CONTRACTS)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-7**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Section 323 of Public Law 108-7, the Consolidated Appropriations Resolution (16 USC 2104 note) established special authorities for stewardship contracting not addressed in existing Forest Service timber sale contracts. In general, the new authorities provide for including service work in timber sale contracts and applying the value of timber or

## USDA—FS

## Final Rule Stage

other forest products removed as an offset against the cost of services received. Integrated Resource Contracts FS-2400-13 and FS-2400-13T are being developed for use with stewardship end result contracting when the value of timber exceeds the cost of service work.

Except where they deviate to address the new authorities, the FS-2400-13 and FS-2400-13T contracts parallel recently revised timber sale contracts FS-2400-6 and FS-2400-6T, which became effective upon notice in the Federal Register on May 6, 2004 (69 FR 25367).

In order to fully implement the authorities under section 323 of Public Law 108-7, and because they are so similar to timber sale contracts FS-2400-6 and FS-2400-6T, the Agency implemented interim use of the integrated resource contracts while public comments are being sought. Comments received will be considered in the development of the final contracts.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| Notice of Interim Contracts | 10/05/04 | 69 FR 59577 |
| Comment Period End          | 11/04/04 |             |
| Notice of Final Contracts   | 10/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC26

**253. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE DOCUMENTATION FOR SURFACE USE PLANS OF OPERATION FOR EXPLORATION OR DEVELOPMENT OF AN OIL AND GAS LEASE (PROPOSED DIRECTIVE, FSH 1909.15, CH. 30)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 4321 to 4346

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service proposes to add a new categorical exclusion to Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, chapter 30, which addresses categories of actions that normally do not require either an environmental impact statement (EIS) or environmental assessment (EA). The new category will be applicable to the issuance of Surface Use Plans of Operation for exploration or development of an oil and gas lease.

Executive Order 13212 states that "For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections. The agencies shall take such actions to the extent permitted by law and regulation, and where appropriate."

The National Energy Policy and the Forest Service Energy Implementation plan call for streamlining of processing Applications for Permit to Drill (APDs) and other energy related permits in an environmentally sound manner.

Comments received on the proposed categorical exclusion will be used in development of the final direction in FSH 1909.15, chapter 30. In accordance with Council on Environmental Quality regulations, the Forest Service must give prior notice and opportunity for comment by publishing the proposed categorical exclusion in the Federal Register before the agency adopts final direction.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Proposed Directive | 12/13/05 | 70 FR 73722 |
| Final Directive    | 06/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC34

**254. ADVERTISING AND SPONSORSHIP IN CONNECTION WITH CONCESSIONS INVOLVING PRIVATELY OWNED IMPROVEMENTS ON NATIONAL FOREST SYSTEM LANDS (FINAL DIRECTIVE, FOREST SERVICE MANUAL 2340)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is publishing a final directive to Forest Service Manual 2343.03 regarding (1) advertising in concessions involving privately developed facilities operated under special use authorization on National Forest System (NFS) lands and (2) sponsorship of new public services associated with those concessions. With respect to advertising, the current policy addresses only exterior advertising while the final directive adds direction to allow the permit holder to advertise inside buildings and other interior spaces owned by the holder. With respect to sponsorship, the final directive adds new direction on sponsorships that promote public participation in the management of NFS lands. The final directive describes the duration, location, and content of recognition of sponsors. Additionally, the final directive addresses special events and waives a prohibition on exterior advertising during a short-term event and requires the holder to not display the Forest Service shield or other Agency symbol in conjunction with product names, services, and advertising.

**Timetable:**

| Action            | Date     | FR Cite     |
|-------------------|----------|-------------|
| Interim Directive | 11/25/05 | 70 FR 71081 |
| Final Directive   | 11/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC41

## USDA—FS

## Final Rule Stage

**255. • FOREST SERVICE  
RENEWABLE RESOURCES  
HANDBOOK (2409.19), CHAPTER 60,  
STEWARDSHIP CONTRACTING****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–278**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Public Law 108-278, the Tribal Forest Protection Act, authorizes the Secretaries of the Interior and Agriculture, upon request of an Indian tribe to enter into an agreement or contract to carry out a project to protect Indian forest land that meets specified criteria to issue public notice of initiation of any necessary environmental review or of the

potential of entering into such an agreement or contract under which the Indian tribe would carry out certain activities. It authorizes the appropriate Secretary to enter into such an agreement or contract following completion of any necessary environmental analysis.

The Forest Service (FS) has issued an interim directive (ID) to Forest Service Handbook 2409.19 establishing guidance for evaluating proposals submitted by tribes. The intended effect of issuance of this ID is to provide consistent overall guidance to FS employees regarding tribal proposals. Forest Service is seeking comments on this interim directive to ensure that issues or deficiencies are addressed.

**Timetable:**

| Action            | Date     | FR Cite |
|-------------------|----------|---------|
| Interim Directive | 04/00/06 |         |

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

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**RIN:** 0596–AC45**Department of Agriculture (USDA)  
Forest Service (FS)**

## Long-Term Actions

**256. COMMUNITY AND PRIVATE  
LAND FOREST FIRE ASSISTANCE  
PROGRAM****Priority:** Other Significant**CFR Citation:** 36 CFR 230 subpart D (new)**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

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

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**RIN:** 0596–AB96

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| Notice—Previous<br>Actions Withdrawn<br>for Reconsideration | 09/20/05 | 70 FR 55102 |
| Proposed Directives   | 12/00/07 |             |

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

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**RIN:** 0596–AC12

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**Related RIN:** Related to 0596–AC19**RIN:** 0596–AC18**257. GRAZING PERMIT  
ADMINISTRATION (PROPOSED  
DIRECTIVES, FOREST SERVICE  
HANDBOOK 2209.13, CHAPTERS 10  
AND 20)****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Timetable:**

| Action                             | Date     | FR Cite     |
|------------------------------------|----------|-------------|
| Interim Directives                 | 07/19/05 | 70 FR 41370 |
| Comment Period End                 | 08/20/05 |             |
| Proposed and Interim<br>Directives | 08/19/05 | 70 FR 48663 |
| Comment Period End                 | 12/19/05 |             |

**258. WATERSHED FORESTRY  
ASSISTANCE PROGRAM (PROPOSED  
DIRECTIVE, FOREST SERVICE  
MANUAL 3500)****Priority:** Other Significant**CFR Citation:** None**Timetable:**

| Action                                  | Date             | FR Cite     |
|---|------------------|-------------|
| Advance Notice of<br>Proposed Guideline | 05/25/04         | 69 FR 29688 |
| Comment Period End                      | 07/26/04         |             |
| Proposed Guideline                      | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Agency Contact:** Andria D. Weeks**259. TRIBAL WATERSHED FORESTRY  
ASSISTANCE PROGRAM (PROPOSED  
DIRECTIVE, FOREST SERVICE  
MANUAL 3500)****Priority:** Other Significant**CFR Citation:** None**Timetable:**

| Action                                  | Date             | FR Cite     |
|---|------------------|-------------|
| Advance Notice of<br>Proposed Guideline | 05/25/04         | 69 FR 29687 |
| Comment Period End                      | 07/26/04         |             |
| Proposed Guideline                      | To Be Determined |             |

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

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**Related RIN:** Related to 0596–AC18**RIN:** 0596–AC19

USDA—FS

Long-Term Actions

**260. • RESOURCE AGENCY PROCEDURES FOR CONDITIONS AND PRESCRIPTIONS IN HYDROPOWER LICENSES**

**Priority:** Other Significant

**Legal Authority:** PL 109–58

**CFR Citation:** 7 CFR 1

**Legal Deadline:** Final, Statutory, November 7, 2005.

Public Law 109-58 charges agencies requiring mandatory conditions and prescriptions with the promulgation of new regulations by November 7, 2005, to provide the regulatory framework to implement a trial-type hearing process.

**Abstract:** The Energy Policy Act of 2005 (Pub. L. 109-58) contains provisions requiring a trial-type hearing to resolve disputed issues of material fact related to mandatory conditions and prescriptions required under the issuance of a Federal hydropower license. The law also mandates that the Agency consider alternatives to proposed mandatory conditions and

prescriptions. This law charges agencies requiring mandatory conditions and prescriptions with the promulgation of new regulations by November 7, 2005, to provide the regulatory framework to implement the trial-type hearing process. The U.S. Department of Agriculture, acting through the Forest Service, is one of the agencies required under the Act to provide a trial-type hearing and issue an implementing regulation. To meet the statutory deadline, the U.S. Department of Agriculture, along with the U.S. Departments of the Interior and Commerce, issued a joint interim final rule. The Department of the Interior is the lead agency in this effort. The Forest Service adopted an interim final rule at 7 CFR part 1 establishing a trial-type hearing procedure to resolve disputed issues of material fact related to mandatory conditions and prescriptions required under the issuance of a Federal hydropower license. The interim final rule also provides a process for the filing of

proposed alternative conditions and prescriptions.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Interim Final Rule | 11/17/05 | 70 FR 69804 |
| Interim Final Rule | 01/17/06 |             |
| Comment Period     |          |             |
| End                |          |             |
| Final Action       | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596–AC42

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

Completed Actions

**261. LAND USES; SPECIAL USES; RECOVERY OF COSTS FOR PROCESSING SPECIAL USE APPLICATIONS AND MONITORING COMPLIANCE WITH SPECIAL USE AUTHORIZATIONS**

**Priority:** Other Significant

**CFR Citation:** 36 CFR 251

**Completed:**

| Reason       | Date     | FR Cite    |
|--------------|----------|------------|
| Final Action | 02/21/06 | 71 FR 8892 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596–AB36

**262. DETERMINING FAIR MARKET VALUE FOR RECREATION RESIDENCE USE AUTHORIZATIONS (FINAL DIRECTIVES, FOREST SERVICE MANUALS 2300 AND 2700)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 251

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 04/03/06 | 71 FR 16614 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0596–AB83

**263. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVES (FINAL DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 1330, 1900, AND FOREST SERVICE HANDBOOK 1909.12)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

| Reason           | Date     | FR Cite    |
|------------------|----------|------------|
| Final Directives | 01/31/06 | 71 FR 5124 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Related to 0596–AB86

**RIN:** 0596–AC02

**264. TRAVEL MANAGEMENT, DESIGNATED ROUTES, AND AREAS FOR MOTOR VEHICLE USE**

**Priority:** Other Significant

**CFR Citation:** 36 CFR 212, 251, 261, and 295

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 11/09/05 | 70 FR 68264 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No



## USDA—FS

## Completed Actions

**Government Levels Affected:** None

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**RIN:** 0596-AC11

**265. CLIMBING BOLTS IN WILDERNESS (PROPOSED INTERIM DIRECTIVE, FOREST SERVICE MANUAL, CHAPTER 2320)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 01/13/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC21

**266. MARKET-RELATED CONTRACT TERM ADDITIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 223.52

**Completed:**

| Reason       | Date     | FR Cite    |
|--------------|----------|------------|
| Final Action | 01/23/06 | 71 FR 3409 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC29

**267. FEDERAL LANDS RECREATION ENHANCEMENT ACT IMPLEMENTATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 291.2; 36 CFR 261.15

**Completed:**

| Reason            | Date     | FR Cite     |
|-------------------|----------|-------------|
| Direct Final Rule | 11/22/05 | 70 FR 70496 |

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

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC35

**268. WILDERNESS MANAGEMENT (PROPOSED DIRECTIVES, FOREST SERVICE MANUAL, CHAPTER 2320)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 01/13/06 |         |

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

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC36

**269. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER SALE CONTRACTS; PURCHASER ELECTS GOVERNMENT ROAD CONSTRUCTION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 223.41; 36 CFR 223.63; 36 CFR 223.83; 36 CFR 223.84

**Completed:**

| Reason            | Date     | FR Cite     |
|-------------------|----------|-------------|
| Direct Final Rule | 01/04/06 | 71 FR 522   |
| Final Action      | 03/08/06 | 71 FR 11508 |

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

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC40

**270. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING; APPLICABILITY TO THE TONGASS NATIONAL FOREST, ALASKA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Natural Resources Defense Council v. U.S. Forest Service, 421 F.3d 797

**CFR Citation:** 36 219.14(d)

**Legal Deadline:** None

**Abstract:** On January 5, 2005, the Department of Agriculture published a final rule (70 FR 1023) governing the development of land and resource management plans required by the National Forest Management Act. The 2005 planning regulations provide for a transition period from the previous planning regulations ("1982 planning rule") to the new regulations ("2005 planning rule"). Specifically, 36 CFR 219.14 allows plans to be amended under either the 1982 planning rule or the 2005 planning rule during the transition period, but newly initiated revisions may use only the 2005 planning rule.

This proposed rule is being prepared to seek public comment on a proposed amendment to 36 CFR 219.14(d) that would allow the Tongass National Forest to revise its land and resource management plan under either the 1982 planning rule or the 2005 planning rule. The proposed amendment would modify 36 CFR 219.14(d)(1) to read: "Plan development and plan revisions initiated after January 5, 2005, must conform to the requirements of this subpart, except that the plan for the Tongass National Forest may, following the promulgation of this rule, be revised once under this subpart or the planning regulations in effect before November 9, 2000."

The amendment is needed to allow the Agency to meet the expectations of the U.S. Court of Appeals for the Ninth Circuit. In its decision regarding the 1997 Tongass forest plan revision, *Natural Resources Defense Council v. U.S. Forest Service*, 421 F.3d 797 (9th Cir., 2005), the court made several statements that the Agency would need to develop a new revised forest plan for the Tongass and prepare a new environmental impact statement (EIS). One of the differences between the 1982 planning rule and the 2005 planning rule is that the former required the development of an EIS as part of the process to revise a land

## USDA—FS

## Completed Actions

management plan. The 2005 rule contains no such requirement and assumes that plans will be revised without developing an EIS.

While it may be possible to revise the Tongass forest plan under the 2005 planning rule and develop an EIS as part of the revision process, such an approach would be inconsistent with the approach envisioned in the 2005 planning rule. It could also set an undesirable precedent for implementation of the 2005 planning rule by other national forests. Accordingly, the Tongass National

Forest needs the flexibility to choose to revise its plan under the 1982 planning rule, which would be more consistent with the approach required by the court.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 01/04/06 | 71 FR 307   |
| NPRM Comment<br>Period End | 02/03/06 |             |
| Final Action               | 03/03/06 | 71 FR 10837 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0596-AC43

**BILLING CODE** 3410-11-S

**Department of Agriculture (USDA)  
Office of the Secretary (AgSEC)**

## Proposed Rule Stage

**271. VOLUNTARY LABELING  
PROGRAM FOR DESIGNATED  
BIOBASED PRODUCTS**

**Priority:** Other Significant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 2902

**Legal Deadline:** Final, Statutory, May 12, 2003.

**Abstract:** This rulemaking would define, establish, and implement a voluntary labeling program for a

preferred procurement program for biobased products within the Federal Government.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**URL For More Information:**

[www.biobased.oce.usda.gov](http://www.biobased.oce.usda.gov)

**Agency Contact:** Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, 1400 Independence Avenue SW, Room 4059, South Building, Washington, DC 20250  
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**RIN:** 0503-AA28

**Department of Agriculture (USDA)  
Office of the Secretary (AgSEC)**

## Final Rule Stage

**272. GENERAL NONPROCUREMENT  
REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 901 et seq

**CFR Citation:** 7 CFR 3020

**Legal Deadline:** None

**Abstract:** USDA published 7 CFR part 3015, Uniform Federal Assistance Regulations, in 1981 to establish and codify departmentwide policies and standards for administering grants and cooperative agreements to governmental and nongovernmental entities. Since that time, the Office of Management and Budget has led efforts to establish Governmentwide common rules for governmental and nongovernmental recipients of grants and cooperative agreements. Consequently, over the years, USDA has codified its Governmentwide common rules in

other parts of title 7 of the CFR. This has resulted in corresponding amendments to part 3015 to revise its scope accordingly. We are proposing to remove part 3015 and to add part 3020 to parts of title 7. We are proposing to include other administrative requirements that were never codified. The alternative would be to continue to work with the disjointed, outdated part 3015. Expected results are that the new part 3020 will be more clear and concise and will only contain those cross-cutting requirements not included in other USDA departmentwide administrative regulations.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/16/03 | 68 FR 41947 |
| NPRM Comment<br>Period End | 08/15/03 |             |
| Final Action               | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

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

**Federalism:** Undetermined

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**RIN:** 0503-AA21

**273. DESIGNATION OF BIOBASED  
ITEMS FOR FEDERAL  
PROCUREMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-171

**CFR Citation:** 7 CFR 2902

**Legal Deadline:** Final, Statutory, November 12, 2002.

## USDA—AgSEC

## Final Rule Stage

**Abstract:** This rulemaking will amend 7 CFR 2902 to designate six items that are made with biobased products that would be afforded Federal procurement preference, as provided for under section 9002 of the Farm Security and Rural Investment Act of 2002. The six items are: Mobile equipment hydraulic fluids; urethane roof coatings; water tank coatings; diesel fuel additives; penetrating lubricants; and bedding, bed linens, and towels.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/05/05 | 70 FR 38612 |
| NPRM Comment<br>Period End | 09/06/05 |             |
| Final Action               | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.biobased.oce.usda.gov

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**RIN:** 0503-AA29**BILLING CODE** 3410-90-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Rural Business—Cooperative Service (RBS)

**274. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—FINANCING COOPERATIVE STOCK****Priority:** Other Significant**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 4279, subpart A; 7 CFR 4279, subpart B**Legal Deadline:** None

**Abstract:** The Agency proposes to revise the Business and Industry Program regulations to incorporate additional guidance and eliminate or reduce certain requirements when financing cooperative stock.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 05/00/06 |         |
| NPRM Comment<br>Period End | 07/00/06 |         |

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

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**RIN:** 0570-AA26**275. BUSINESS AND INDUSTRY LOAN PROGRAM—REWRITE OF PROGRAM REGULATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 5 USC 301; 7 USC 1989; 42 USC 1480**CFR Citation:** 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B**Legal Deadline:** None

**Abstract:** The regulations are being completely rewritten to make changes that will ultimately reduce delinquencies, enhance program effectiveness, correct minor inconsistencies, and make the regulations more clear and easier to understand.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 12/00/06 |         |
| NPRM Comment<br>Period End | 02/00/07 |         |

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

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**RIN:** 0570-AA41**276. NATIONAL SECURITY EMERGENCY****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 1963**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service (RBS) proposes to streamline procedures for loans and grants for existing business and industry direct and guarantee loan programs. This rulemaking will also establish emergency regulations for the community facilities program currently administered within the Rural Housing Service (RHS).

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 01/00/07 |         |
| NPRM Comment<br>Period End | 03/00/07 |         |

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

**Agency Contact:** Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569  
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**RIN:** 0570-AA48

USDA—RBS

Proposed Rule Stage

**277. EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 1980; 7 CFR 4274; 7 CFR 4279

**Legal Deadline:** None

**Abstract:** The Agency proposes to amend RD Instructions 1980-E, 4274-D, and 4279-B to remove the prohibition on making financial assistance available to faith-based organizations. These regulations are to be further amended to provide guidance regarding the separation of inherently religious activities and those for which assistance is provided.

This guidance is the same in both justification and purpose to that provided in the final rule amendments to 7 CFR part 16, published in the Federal Register on July 9, 2004, Volume 69, pages 41375 to 41383.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 12/00/06 |         |
| NPRM Comment<br>Period End | 02/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Rick Bonnet, Senior Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3221, Washington, DC 20250

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**RIN:** 0570-AA61

**278. • AMENDMENT OF GUARANTEE REQUIREMENTS**

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

**Legal Authority:** 5 USC 301; 7 USC 1932, note; 7 USC 1989; 31 USC 3716; 412 USC 1480

**CFR Citation:** 7 CFR 1951, subpart C

**Legal Deadline:** None

**Abstract:** The Agency proposes to add a paragraph providing that any amounts paid by the Agency pursuant to a claim by a guaranteed lender will constitute a Federal debt owing to the Agency by any third-party guarantor of the defaulted loans, to the extent of the amount of the third-party guarantee.

A final rule was published on January 22, 2004 [69 FR 2999], adding section 1951.133 that provides any amounts paid by the Agency on account of the liabilities of guaranteed loan borrower constitute a Federal debt owing to the agency by the guaranteed loan borrower for purposes of the Debt Collection Improvement Act of 1996 (31 U.S.C. 3716) (DCIA), to collect the debt. This proposed rulemaking will have the effect of making the DCIA remedies available to the Agency for pursuing collection against third-party guarantors as well.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 06/00/06 |         |
| NPRM Comment<br>Period End | 08/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA62

Department of Agriculture (USDA)

Final Rule Stage

Rural Business—Cooperative Service (RBS)

**279. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 7 USC 940c

**CFR Citation:** 7 CFR 1703, subpart B; 7 CFR 4280, subpart A

**Legal Deadline:** None

**Abstract:** This action improves the ease of use by the public and program beneficiaries. The regulations will simplify the application format, review and selection process, and recipients' recordkeeping requirements. It will also add a section on the appeal of adverse decisions.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 12/15/99 | 64 FR 69937 |

**Action**

| Date                       | FR Cite  |
|----------------------------|----------|
| NPRM Comment<br>Period End | 02/14/00 |
| Final Action               | 08/00/06 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Todd Hubbell, Loan Specialist, Specialty Lenders Division, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250-3225

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**RIN:** 0570-AA19

**280. RURAL BUSINESS INVESTMENT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 107-171, sec 6029

**CFR Citation:** 7 CFR 4290

**Legal Deadline:** None

**Abstract:** This action will implement the provisions of section 6029 of the Farm Security and Rural Investment Act, which authorizes the Rural Business Investment Program. The purpose of the program is the establishment of equity capital investment in Rural Business Investment Companies and other entities through a combination of grants and guarantees of debentures with the objective of fostering economic development in rural areas. By law, the program is required to be administered

## USDA—RBS

## Final Rule Stage

by another Federal agency that has considerable expertise in operating a similar program. The Rural Business-Cooperative Service has contracted with the Small Business Administration.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 06/08/04 | 69 FR 32200 |
| Interim Final Rule<br>Comment Period<br>End | 07/08/04 |             |
| Final Action                                | 01/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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**RIN:** 0570-AA35

**281. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPANDED ELIGIBILITY CRITERIA**

**Priority:** Other Significant

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

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** Section 6013 of the Farm Security and Rural Investment Act of 2002 adds other renewable energy systems as an eligible loan purpose. Section 6017 expands eligibility criteria for loans to cooperatives and loan guarantees in non-rural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 11/09/04 | 69 FR 64829 |
| Interim Final Rule<br>Comment Period<br>End | 12/09/04 |             |
| Interim Final Rule<br>Effective             | 12/09/04 |             |
| Final Action                                | 07/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA39

**282. TANGIBLE NET EQUITY**

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

**Legal Authority:** 7 USC 1932(a)

**CFR Citation:** 7 CFR 1980; 7 CFR 4279

**Legal Deadline:** None

**Abstract:** This rulemaking amends 7 CFR parts 4279 and 1980 by modifying the equity requirement considered in the underwriting of business and industry loans by guaranteed lenders and/or the Rural Business-Cooperative Service as follows:

— In the case of direct or guaranteed refinancing loans only, apply an adjusted equity requirement, where tangible net equity is modified by (i) including asset value to the extent of the difference between the depreciated book value of real property assets and current market value supported by an independent appraisal, or the original loan amount, whichever is less and (ii) family capital subordinated debt, where the subordinated debt is held by and represents a cash infusion to the business by the owner or close family member, and the repayment terms are such that repayment is not ahead of Agency direct and/or guaranteed loan exposure.

— Increase the equity requirement for energy loans to 40 percent for existing businesses (in existence for 3 years) and 50 percent for new businesses. Construction financing is not an

eligible energy loan purpose; energy projects that produce biomass fuel, biogas, fuel cells, or batteries as an output must have completed two operating cycles at design performance levels acceptable to the Agency.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 01/16/04 | 69 FR 2521 |
| NPRM Comment<br>Period End | 03/16/04 |            |
| Final Action               | 05/00/06 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA49

**283. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—IMPLEMENT THE DEBT COLLECTION IMPROVEMENT ACT (DCIA) OF 1996**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 7 CFR 4279, subpart B

**Legal Deadline:** None

**Abstract:** The Rural Business-Cooperative Service proposes to revise RD Instruction 4279-B to require personal and corporate guarantees for the term of the guaranteed loan and to develop Agency-approved personal and corporate guaranteed forms to identify that the financial assistance received is a Federal debt and subject to the Debt Collection Improvement Act of 1996.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/07/05 | 70 FR 17616 |
| NPRM Comment<br>Period End | 06/06/05 |             |
| Final Action               | 09/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

## USDA—RBS

## Final Rule Stage

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**RIN:** 0570-AA54

**Department of Agriculture (USDA)**  
**Rural Business—Cooperative Service (RBS)**

## Completed Actions

**284. FISCAL TRANSFER AGENT—  
SECONDARY MARKET SALES OF  
GUARANTEED LOANS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 4279-A; 7 CFR  
4279-B

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 04/01/06 |         |

**Regulatory Flexibility Analysis  
Required:** No

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

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

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**RIN:** 0570-AA47

**285. SECONDARY MARKET POOLING  
BY FISCAL TRANSFER AGENT**

**Priority:** Other Significant

**CFR Citation:** 7 CFR 4279

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 04/02/06 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0570-AA53

**BILLING CODE** 3410—XY—S

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**

## Proposed Rule Stage

**286. WATER AND WASTE LOANS  
AND GRANTS**

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

**Legal Authority:** 5 USC 301; 7 USC  
1989; 16 USC 1005

**CFR Citation:** 7 CFR 1780

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service is proposing to amend its regulation used to process water and waste disposal (WWD) loans and grants. The regulation will be amended to provide predevelopment planning grants for low-income and poverty-stricken areas, enhancements for water and sewer systems with significant security weaknesses, changes to the use of grant funds for rural or Native Alaskan Villages, mandatory use of pre-authorized debit (PAD) repayment for borrowers, modified reserve requirements for borrowers, simplified application process, requirements for alternative project delivery methods, and planning for future enhancements to delivery of the program.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AC03

**287. ● SPECIFICATIONS FOR 15, 25,  
AND 35 KV PRIMARY UNDERGROUND  
POWER CABLE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 7  
USC 1921 et seq; 7 USC 6941 et seq

**CFR Citation:** 7 CFR 1728

**Legal Deadline:** None

**Abstract:** This proposed rule is necessary to provide RUS electric borrowers with updated specifications for 15 and 25 kV underground power cable and to provide borrowers with specifications for 35 kV underground power cable. These specifications cover single-phase and multi-phase primary underground power cable, which RUS electric borrowers use to construct their rural underground electric distribution systems.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan,  
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**RIN:** 0572-AC05

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**

**Final Rule Stage**

**288. TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT, AND CONSTRUCTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service (RUS) proposes to amend 7 CFR 1755 to include requirements presently contained in RUS Bulletin 345-3. This rule would establish and codify provisions for the inclusion and removal of products from I.P. 344-2. This rule also proposes to integrate the existing section on field trials in the procedures for product acceptance and inclusion in this codification, as well as clarifying and reorganizing the field trials section.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/05/05 | 70 FR 45314 |
| NPRM Comment Period End | 10/04/05 |             |
| Final Action            | 08/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB40

**289. SERVICING OF WATER PROGRAMS LOANS AND GRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1782; 7 CFR 1951; 7 CFR 1955; 7 CFR 1956

**Legal Deadline:** None

**Abstract:** The Rural Utilities Service consolidates and amends the regulations utilized to service water and waste loan and grant programs. Unnecessary and burdensome

requirements for water and waste loan and grant servicing under the program will be eliminated. The streamlining will allow RUS to provide better service to entities needing assistance in resolving financial and economic problems in their communities and in general improve the quality of life in rural areas.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/15/04 | 69 FR 65546 |
| NPRM Comment Period End | 01/14/05 |             |
| Final Action            | 06/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB59

**290. ELIMINATION OF SUBPART M: OPERATIONAL CONTROLS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 901 et seq, 1921 et seq, 6941 et seq

**CFR Citation:** 7 CFR 1717

**Legal Deadline:** None

**Abstract:** RUS will eliminate subpart M as it has achieved the goal of providing a bridge during the transition from old to new loan documents. Most borrowers eligible for new loan documents have already made the change and many of the remaining "legacy" borrowers do not plan to be active borrowers in the future.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/08/04 | 69 FR 64689 |
| NPRM Comment Period End | 01/07/05 |             |
| Final Action            | 12/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0572-AB97

**291. PUBLIC TELEVISION STATION DIGITAL TRANSITION GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-447

**CFR Citation:** 7 CFR 1740

**Legal Deadline:** None

**Abstract:** The Federal Communications Commission had required all television broadcasters to initiate the broadcast of a digital television signal and to cease analog television broadcasts. To assist stations with the transition, Congress recognized the need to facilitate the digital transition in public television stations that serve rural areas. This grant program will assist rural public television to finance the conversion of television services to digital broadcasting. To continue this program in Y 2005, Congress provided \$10 million for grant funds in the Consolidated Appropriations Act, 2005 (Pub. L. 108-447). Congress also authorized additional purposes, which were specifically excluded in the NOFA. This regulation will incorporate the new statutory requirements and updates this competitive grant program for FY 2005.

**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Interim Final Rule                    | 01/20/06 | 71 FR 3205 |
| Interim Final Rule Comment Period End | 03/21/06 |            |
| Final Action                          | 05/00/06 |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250

## USDA—RUS

## Final Rule Stage

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**292. RURAL AREA DEFINITIONS FOR RUS WEP PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005

**CFR Citation:** 7 CFR 1775; 7 CFR 1778; 7 CFR 1779; 7 CFR 1780; 7 CFR 1783

**Legal Deadline:** None

**Abstract:** RUS is issuing a regulation to standardize the definition of “rural” and “rural area” to implement section

6020 of the Farm Security and Rural Investment Act of 2002, to amend section 343(13)(B) of the Consolidated Farm and Rural Development Act, which defines the term “rural” and “rural area” for the purpose of water and waste disposal grants, and direct and guarantee loans provided under paragraphs (1), (2), and (24) of section 306(a). This rule will create a standard definition of “rural” and “rural area” with respect to RUS Water and Environmental Programs in 7 CFR 1775, 1778, 1779, 1780, and 1783.

**Timetable:**

| Action            | Date     | FR Cite |
|-------------------|----------|---------|
| Direct Final Rule | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Annan, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5168, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
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RIN: 0572-AC04

**Department of Agriculture (USDA)**  
**Rural Utilities Service (RUS)**

## Long-Term Actions

**293. SPECIAL EQUIPMENT CONTRACT (NOT INCLUDING INSTALLATION), RUS FORM 398**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1755

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0572-AB85

**295. TELECOMMUNICATIONS SYSTEM CONSTRUCTION POLICIES AND PROCEDURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1753

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0572-AB98

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0572-AB99

**297. SEISMIC SAFETY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1792

**Timetable:**

| Action            | Date             | FR Cite |
|-------------------|------------------|---------|
| Direct Final Rule | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0572-AC01

BILLING CODE 3410-15-S

**294. EXEMPTION OF CERTAIN BORROWERS FROM CONTROLS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1717

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**296. LIEN ACCOMMODATIONS AND SUBORDINATIONS FOR 100 PERCENT PRIVATE FINANCING**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 7 CFR 1717-R

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |



**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**
**Final Rule Stage****298. CONSERVATION SECURITY PROGRAM**

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

**Legal Authority:** 16 USC 3838

**CFR Citation:** 7 CFR 1470

**Legal Deadline:** None

**Abstract:** Under the Conservation Security Program (CSP) NRCS is authorized to provide financial and technical assistance to owners and operators of agricultural operations to promote conservation and improvement of the quality of soil, water, air, energy, plant and animal life, and other conservation purposes.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| NPRM                                  | 01/02/04 | 69 FR 193   |
| NPRM Comment Period End               | 03/02/04 |             |
| Interim Final Rule                    | 06/21/04 | 69 FR 34502 |
| Interim Final Rule Comment Period End | 09/20/04 |             |
| Interim Final Rule                    | 03/25/05 | 70 FR 15201 |

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 07/25/05 |         |
| Comment Period End |          |         |
| Final Action       | 06/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0578-AA36

**299. GRASSLAND RESERVE PROGRAM**

**Priority:** Other Significant

**Legal Authority:** PL 107-171; 16 USC 3838

**CFR Citation:** 7 CFR 1415

**Legal Deadline:** None

**Abstract:** Under Grassland Reserve Program (GRP) the Department enters into easement or rental agreements with owners of grazing land to protect and restore such lands. The Department will designate payment for cost share to restore the functions and values of grasslands.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 05/21/04 | 69 FR 29173 |
| Interim Final Rule Comment Period End | 07/20/04 |             |
| Final Action                          | 04/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0578-AA38

**Department of Agriculture (USDA)**  
**Natural Resources Conservation Service (NRCS)**
**Long-Term Actions****300. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION**

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

**CFR Citation:** 7 CFR 609

**Timetable:**

| Action             | Date             | FR Cite |
|--------------------|------------------|---------|
| Interim Final Rule | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

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**RIN:** 0578-AA40

**BILLING CODE** 3410-16-S

**Department of Agriculture (USDA)**  
**National Agricultural Statistical Service (NASS)**
**Proposed Rule Stage****301. DAIRY PRODUCT MANDATORY REPORTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 1637

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Would establish a program of mandatory dairy product information by requiring each manufacturer to report to USDA information concerning

the price, quantity, and moisture content of dairy products sold by the manufacturer. This rulemaking would comply with laws enacted in 2000 and 2002 that amended the Agricultural Marketing Act of 1946.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0535-AA00

**BILLING CODE** 3410-20-S

Department of Agriculture (USDA)

Long-Term Actions

Office of Procurement and Property Management (OPPM)

**302. AGRICULTURE ACQUISITION  
REGULATION (AGAR): USE OF  
BIOBASED MATERIALS**

**Priority:** Other Significant

**CFR Citation:** Not Yet Determined

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0599-AA12

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