



Federal Register

**Monday,
April 30, 2007**

Part III

**Department of
Agriculture**

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

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

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2007

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: March 2, 2007.

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	Honey Research and Promotion: Packer/Importer Board (FV-03-704)	0581-AC37
3	National Organic Program: Sunset (Expiration) of Allowances and Prohibitions Contained on the National List (TM-04-07)	0581-AC51
4	Standards for Condition of Food Containers (FV-05-332)	0581-AC52
5	National Organic Program: Access to Pasture (TM-05-14)	0581-AC57
6	Mandatory Reporting for Dairy Programs (DA-06-07)	0581-AC66
7	Livestock Mandatory Reporting: Revise Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef (LS-07-01)	0581-AC67

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
8	The National Organic Program: Amending the National List (TM-04-01), Crops and Processing	0581-AC35
9	Changes in Fees and Hourly Fee Rates for Science and Technology Laboratory Services (ST-05-01)	0581-AC48
10	Perishable Agricultural Commodities Act: Trust Rights (FV-05-373)	0581-AC53
11	National Organic Program: Amending the National List (Crop and Livestock) (TM-06-04)	0581-AC61
12	National Organic Program: Amendments to the National List (Livestock) (TM-03-04)	0581-AC62
13	Multi-Year Revision of Fees for the Fresh Fruit and Vegetable Terminal Market Inspection Services (FV-06-308) ..	0581-AC63

USDA

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
14	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04)	0581-AC26

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
15	Changes in Fees for Federal Meat Grading and Certification Services (LS-05-05)	0581-AC49
16	Changes in Fees for Voluntary Federal Dairy Grading and Inspection Services (Fee Increase) (DA-05-04)	0581-AC55
17	Federal Processed Fruits and Vegetables, Fee Increase (FV-05-379)	0581-AC56
18	Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading (PY-06-002)	0581-AC64

Agricultural Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
19	General Administrative Policy for Non-Assistance Cooperative Agreements	0518-AA03

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
20	Guaranteed Loans—Interest To Be Paid on Loss Claims	0560-AH55

Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
21	Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs	0560-AF60
22	Ocean Freight Claims Administrative Appeal Process	0560-AG49
23	2002 Farm Bill Regulations—Assistance for Livestock Producers	0560-AG76
24	Selection of FSA State and County Committees	0560-AG90
25	Environmental Compliance and Related Concerns	0560-AH02
26	Debt Collection, Debt Settlement, and Assignment of Payments	0560-AH09
27	Disaster Declaration and Designation	0560-AH17
28	Conservation Contract Debt Write-Down	0560-AH23
29	Guaranteed Farm Loan Fees	0560-AH41
30	Emergency Conservation Program	0560-AH43
31	Reassignment of Sugar Allocation Shortfalls	0560-AH50
32	Storage Requirements for Grain Security for Marketing Assistance Loans	0560-AH52
33	Defining Sugar Subject to Marketing Allocations	0560-AH53
34	Indian Tribal Land Acquisition Program (ITLAP) Loan Write-Downs	0560-AH54
35	Appraisal Requirements for Farm Ownership Loans	0560-AH56
36	Farm Storage Facility Loan Program	0560-AH60
37	Grassroots Source Water Protection Program	0560-AH61
38	Interest Rates on Farm Service Agency Farm Loan Programs Guaranteed Loans	0560-AH66
39	Defense Priorities and Allocations System	0560-AH68
40	Acreage Reporting and Common Provisions	0560-AH69

USDA

Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
41	Interest Assistance Program	0560-AG46
42	Procurement of Commodities for Foreign Donation	0560-AH40
43	2005 Hurricane Disaster Assistance Programs	0560-AH45
44	2006 Disaster Assistance Programs	0560-AH62
45	Definition of Indian Tribe for Payment Eligibility and Payment Limitation	0560-AH67

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
46	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579-AC31
47	Regulation of Genetically Engineered Animals	0579-AC37

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
48	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review)	0579-AB24
49	Tuberculosis in Cattle; Import Requirements (Section 610 Review)	0579-AB44
50	Trichinae Certification Program	0579-AB92
51	Animal Welfare; Regulations and Standards for Birds	0579-AC02
52	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)	0579-AC03
53	National Veterinary Accreditation Program (Rulemaking Resulting From a Section 610 Review)	0579-AC04
54	Sharing Confidential Business Information With Government Agencies Regarding the Introduction of Genetically Engineered Organisms and Products	0579-AC08
55	Minimum Age Requirements for the Transport of Animals	0579-AC14
56	User Fees; Export Certification for Plants and Plant Products	0579-AC22
57	Interstate Movement of Citrus Fruit	0579-AC34
58	Contagious Equine Metritis (CEM) Exemption for Noncompetitive Entertainment Horses	0579-AC35

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
59	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
60	Revision of Fruits and Vegetables Import Regulations	0579-AB80
61	Phytophthora Ramorum; Quarantine and Regulations	0579-AB82
62	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579-AB84
63	Viruses, Serums, Toxins, and Analogous Products; Records and Reports	0579-AB90
64	Boll Weevil; Quarantine and Regulations	0579-AB91
65	Special Need Requests Under the Plant Protection Act	0579-AB98
66	Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity	0579-AB99
67	Standards for Permanent, Privately Owned Horse Quarantine Facilities (Section 610 Review)	0579-AC00
68	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities	0579-AC01
69	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza	0579-AC36

USDA

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
70	Plant Pest Regulations; Update of Current Provisions (Section 610 Review)	0579-AA80
71	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
72	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579-AB35
73	Karnal Bunt Compensation	0579-AB45
74	Movement of Unroasted Coffee Into Hawaii and Puerto Rico	0579-AB96
75	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579-AB97
76	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579-AC05
77	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border	0579-AC06
78	Citrus Canker; Quarantine of the State of Florida	0579-AC07

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
79	Interstate Movement of Garbage From Hawaii	0579-AC12
80	Importation of Table Grapes From Namibia	0579-AC13
81	Interstate Movement of Fruits and Vegetables From Hawaii	0579-AC15
82	Importation of Shelled Garden Peas From Kenya	0579-AC17
83	Importation of Fruits and Vegetables	0579-AC23
84	National Poultry Improvement Plan and Auxiliary Provisions	0579-AC27

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

Sequence Number	Title	Regulation Identifier Number
85	CSREES Agricultural Extension Formula Programs—Administrative Provisions	0524-AA26

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

Sequence Number	Title	Regulation Identifier Number
86	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
87	Revised Administrative Provisions—Small Business Innovation Research Grants Program	0524-AA31

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

Sequence Number	Title	Regulation Identifier Number
88	CSREES Non-Formula Grant Programs—Administrative Provisions	0524-AA28
89	Revised Administrative Provisions—National Research Initiative Competitive Grants Program	0524-AA32
90	Veterinary Medicine Loan Repayment Act Program	0524-AA33

Rural Housing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
91	Civil Rights Compliance Requirements	0575-AA83

USDA

Rural Housing Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
92	National Flood Insurance Regulations	0575-AC07
93	Servicing Community Programs Loans and Grants	0575-AC12
94	Self-Help Technical Assistance Grants	0575-AC20
95	Community Facilities Direct Loan Program—Consolidate, Simplify, and Update Regulations	0575-AC27
96	Planning and Performing Construction and Other Development	0575-AC55
97	Environmental Policies and Procedures	0575-AC56
98	Community Programs Guaranteed Loans	0575-AC58
99	Guaranteed Rural Rental Housing—Elimination of Construction Guarantee	0575-AC64
100	Thermal Requirements (Rulemaking Resulting From a Section 610 Review)	0575-AC65
101	Reserve Account for Sections 514/516 Farm Labor Housing and Section 515 Rural Rental Housing Programs	0575-AC66
102	Guaranteed Rural Rental Housing	0575-AC67

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
103	Multi-Family Housing (MFH) Reinvention	0575-AC13
104	Guaranteed Single-Family Housing	0575-AC18
105	Direct Single-Family Housing Loans and Grants	0575-AC54
106	Direct Single-Family Housing Loans and Grants	0575-AC59
107	Guaranteed Rural Rental Housing Program—Change Annual Guarantee Fee Due Date	0575-AC62

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
108	General Administrative Regulations; Sanctions—Administrative Remedies for Non-Compliance	0563-AB73
109	General Administrative Regulations; Actual Production History (APH)	0563-AB83
110	Common Crop Insurance Regulations, Tobacco Crop Insurance Provisions	0563-AB98
111	Common Crop Insurance Regulations, Cultivated Wild Rice Crop Insurance Provisions	0563-AC00
112	General Administrative Regulations; Appeal Procedures and Standards for Approval—Reinsurance Agreement	0563-AC06
113	Common Crop Insurance Regulations, Grape and Table Grape Crop Insurance Provisions	0563-AC09
114	Common Crop Insurance Regulations, Apple Crop Insurance Provisions	0563-AC10
115	Emergency and Disaster Procedures for Crop Insurance Purposes	0563-AC11
116	Common Crop Insurance Regulations, Dry Pea Crop Insurance Provisions	0563-AC14
117	Common Crop Insurance Regulations, Coverage Enhancement Option	0563-AC15

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
118	Common Crop Insurance Regulations and Various Crop Insurance Provisions	0563-AB96
119	Common Crop Insurance Regulations, Cabbage Crop Insurance Provisions	0563-AB99
120	Common Crop Insurance Regulations, Florida Citrus Fruit Crop Insurance Provisions	0563-AC01
121	Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions	0563-AC02
122	Common Crop Insurance Regulations, Mint Crop Insurance Provisions	0563-AC03
123	Common Crop Insurance Regulations, Mustard Crop Insurance Provisions	0563-AC04
124	Common Crop Insurance Regulations, Northern Potato Crop Insurance Provisions	0563-AC05
125	Common Crop Insurance Regulations, Millet Crop Insurance Provisions	0563-AC12

USDA

Federal Crop Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
126	Common Crop Insurance Regulations, Walnut Crop Insurance Provisions; Almond Crop Insurance Provisions	0563-AC08
127	Common Crop Insurance Regulations, Nursery Crop Provisions, Nursery Peak Inventory Endorsement and Nursery Rehabilitation Endorsement	0563-AC13

Grain Inspection, Packers and Stockyards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
128	Request for Public Comment on the United States Standards for Soybeans	0580-AA96

Grain Inspection, Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
129	Process Verification Service and Associated Fees	0580-AA85
130	United States Standards for Rough Rice; United States Standards for Brown Rice for Processing; and United States Standards for Milled Rice	0580-AA94
131	Poultry Contracts; Initiation, Performance, and Termination	0580-AA98
132	Weighing; Feed and Swine Contractors	0580-AA99

Grain Inspection, Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
133	United States Standards for Sorghum	0580-AA91
134	Clear Title Program; Technical Changes	0580-AA93
135	Official Fees and Tolerances for Barley Protein Testing	0580-AA95
136	Rules of Practice Governing Proceedings Under the Packers and Stockyards Act	0580-AA97

Grain Inspection, Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
137	Fees for Rice Inspection Service	0580-AA92

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
138	Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits	0584-AD12
139	Child and Adult Care Food Program (CACFP): At-Risk Afterschool Suppers	0584-AD15
140	Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards ..	0584-AD25
141	FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns	0584-AD44
142	FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems	0584-AD48
143	Nutrition Standards in the National School Lunch and School Breakfast Programs	0584-AD59
144	WIC Farmers' Market Nutrition Program (FMNP): Implementation of the FMNP Provisions in the CN and WIC Re-authorization Act of 2004 (Pub. L. 108-265) and FMNP Funding Formula	0584-AD74
145	FSP: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores	0584-AD78

USDA

Food and Nutrition Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
146	Revisions and Clarifications in Requirements for the Distribution and Control of Donated Foods	0584-AD81

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
147	Disqualified Recipient Reporting and Computer Matching Requirements That Affect the Food Stamp Program	0584-AB51
148	Child and Adult Care Food Program: Improving Management and Program Integrity	0584-AC24
149	Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems	0584-AC37
150	National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs	0584-AC72
151	Child and Adult Care Food Program: Implementing Legislative Reforms To Strengthen Program Integrity	0584-AC94
152	Afterschool Snacks Under the Child and Adult Care Food Program	0584-AD27
153	FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002	0584-AD30
154	Quality Control Provisions of Title IV of Public Law 107-171	0584-AD31
155	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Vendor-Related Provisions	0584-AD36
156	Procurement Requirements for the National School Lunch, School Breakfast, and Special Milk Programs	0584-AD38
157	Data Collection Related to Participation of Faith-Based and Community Organizations	0584-AD43
158	Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions	0584-AD45
159	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
160	Administrative Error Reduction in the School Meals Programs	0584-AD52
161	Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program, and for Benefits in the Special Milk Program	0584-AD54
162	Special Nutrition Programs: Fluid Milk Substitutions	0584-AD58
163	Direct Certification of Children in Food Stamp Households and Certification of Homeless, Migrant, and Runaway Children for Free Meals in the NSLP, SBP, and SMP	0584-AD60
164	Verification of Eligibility for Free and Reduced Priced Meals in the National School Lunch and School Breakfast Programs	0584-AD61
165	School Food Safety: Hazard Analysis and Critical Control Point System	0584-AD65
166	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
167	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment	0584-AD71
168	WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions	0584-AD73
169	Revisions and Clarifications in Requirements for the Processing of Donated Foods	0584-AD76
170	Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages	0584-AD77
171	FSP: Unauthorized Redemption and Trafficking in Program Benefits	0584-AD79
172	School Breakfast Program: Severe Need Assistance	0584-AD82
173	Marketing and Sale of Fluid Milk in Schools	0584-AD83

Food and Nutrition Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
174	District-Wide Use of Provisions 2 and 3	0584-AD51

USDA

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
175	Disclosure of Children's Free and Reduced Price Meals, and Free Milk Eligibility Information in the Child Nutrition Programs	0584-AC95
176	Senior Farmers' Market Nutrition Program (SFMNP)	0584-AD35

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
177	Egg Products Inspection Regulations	0583-AC58
178	Prior Labeling Approval System: Generic Label Approval	0583-AC59
179	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
180	Electronic Signatures	0583-AD14
181	Food Allergen Labeling for Meat, Poultry, and Egg Products	0583-AD22
182	Definition of Veal	0583-AD23
183	Eligibility of Chile To Export Poultry and Poultry Products to the United States	0583-AD25
184	Addition of the People's Republic of China to the List of Countries Eligible To Export Poultry and Poultry Products to the U.S.	0583-AD27

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
185	Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-To-Eat Meat and Poultry Products	0583-AC46
186	Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products	0583-AC60
187	Food Standards; General Principles and Food Standards Modernization	0583-AC72
188	Petitions for Rulemaking	0583-AC81
189	Classes of Poultry Updating Poultry Class Standards	0583-AC83
190	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle	0583-AC88
191	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems	0583-AD00
192	Prohibition on the Use of Air-Injection Stunners for the Slaughter of Cattle	0583-AD03
193	Accredited Laboratory Program	0583-AD09
194	Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls	0583-AD10
195	Definitions and Procedures for Determining the Net Weight Compliance of Meat and Poultry Products	0583-AD17
196	Allowing Bar-Type Cut Turkey Operations To Use J-Type Cut Maximum Line Speeds	0583-AD18
197	Ante-Mortem Inspection of Horses	0583-AD26

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
198	Performance Standards for Pumped or Massaged Bacon	0583-AC49
199	Food Defense Plans	0583-AD06
200	Export Product Deviations From Labeling Requirements and Ingredient Restrictions	0583-AD24

USDA

Foreign Agricultural Service—Final Rule Stage

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

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
203	Indian Allotments on National Forest System Lands	0596-AA52
204	Species Surplus to Domestic Manufacturing Needs	0596-AB27
205	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45
206	Law Enforcement Support Activities	0596-AB61
207	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596-AB75
208	Special Forest Products and Forest Botanical Products	0596-AB81
209	Locatable Minerals	0596-AB98
210	Grazing Permit Administration (FSH 2209.13, Chapters 10 and 20)	0596-AC12
211	Recreation Event Fees (Forest Service Manual, Chapter 2720)	0596-AC24
212	Outfitter and Guide Special Use Authorizations (Forest Service Handbook 2709.11, Chapter 30)	0596-AC25
213	Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires	0596-AC30
214	Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands	0596-AC31
215	Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations	0596-AC38
216	Linear Right-of-Way Rental Payment Schedule	0596-AC48
217	Forest Service National Environmental Policy Act Procedures	0596-AC49
218	Outfitter and Guide Special Use Authorizations (Forest Service Handbook 2709.11, Chapter 40)	0596-AC50
219	Ground Water Resource Management Policy Direction (Forest Service Manual, Chapter 2540 and Forest Service Handbook 2709.11)	0596-AC51
220	Forest Service Policy on Partner, Sponsor, and Donor Recognition (Forest Service Handbook 1509.14)	0596-AC52
221	Categorical Exclusion for Ski Area Resort Activities (FSH 1909.15, Chapter 30)	0596-AC53
222	Threatened, Endangered, and Sensitive (TES) Species, Species-of-Concern, Habitat Management, and Biodiversity Conservation (FSM 2670)	0596-AC55
223	Processing Applications for Wind Energy Development on National Forest System Lands (Forest Service Manual 2720)	0596-AC61
224	Special Areas; State-Specific Inventoried Roadless Area Management: Idaho	0596-AC62
225	Land Management Planning Handbook, Forest Vegetation Resource Planning (FSH 1909.12, Chapter 60)	0596-AC63
226	Publicly Managed Recreation Opportunities (Forest Service Manual (FSM) 2300, 2330, 2340)	0596-AC64
227	Administrative Issuances; Involving the Public in the Formulation of Forest Service Directives	0596-AC65
228	Special Interest Areas (FSM 2360)	0596-AC67
229	Forest Service Strategy for Open Space Conservation	0596-AC68

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
230	Sale and Disposal of National Forest System Timber; Cancellation of Timber Sale Contracts	0596-AB21
231	Noncompetitive Sale of Timber; Timber Substitution	0596-AB70
232	Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003	0596-AC15
233	Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts	0596-AC16
234	Predator Damage Management (Forest Service Manual, Chapter 2320)	0596-AC22
235	Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts)	0596-AC26
236	Piscicide Applications on National Forest System Lands	0596-AC33
237	Travel Management (Forest Service Manual 2300 and 7700)	0596-AC39
238	Advertising and Sponsorship in Connection With Concessions Involving Privately Owned Improvements on National Forest System Lands (Forest Service Manual 2340)	0596-AC41
239	Native Plant Materials Policy (Final Directive, Forest Service Manual 2070)	0596-AC44

USDA

Forest Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
240	Forest Service Renewable Resources Handbook (2409.19), Chapter 60, Stewardship Contracting	0596-AC45
241	Small Business Administration Timber Sale Set-Aside Program	0596-AC46
242	Forest Service National Trail Management Classification System (Final Directive, FSM 2330)	0596-AC47
243	Sensitive Species and Endangered Species Act Consultation for Land Management Plans (Forest Service Manual 2670)	0596-AC54
244	Land Management Planning Handbook, Land Management Plan (FSH 1909.12, Chapter 10)	0596-AC66
245	Sacred Sites Management, Tribal Government Relations (FSM 1560)	0596-AC69

Forest Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
246	Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses	0596-AC42
247	Special Areas; State Specific Inventoried Roadless Area Management: Virginia	0596-AC58
248	Special Areas; State Specific Inventoried Roadless Area Management: North Carolina	0596-AC59

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
249	National Forest System Land Management Planning Categorical Exclusion (Final Directive, Forest Service Handbook 1909.15, Chapter 30)	0596-AB86
250	Community and Private Land Forest Fire Assistance Program	0596-AB96
251	Delegation of Authority To Approve Free Use by Individuals	0596-AC09
252	Watershed Forestry Assistance Program (Proposed Directive, Forest Service Manual 3500)	0596-AC18
253	Tribal Watershed Forestry Assistance Program (Proposed Directive, Forest Service Manual 3500)	0596-AC19
254	Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations	0596-AC20
255	Secretary Determination That Domestic Species of Unprocessed Timber Are Surplus to Domestic Needs Within the Zone of Southern California	0596-AC27
256	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
257	National Environmental Policy Act (NEPA) Compliance Documentation for Surface Use Plans of Operation for Exploration or Development of an Oil and Gas Lease (FSH 1909.15, Chapter 30)	0596-AC34
258	Grizzly Bear Management (FSM 2676.1)	0596-AC56
259	National Forest System Land Management Planning Directive (Final Directive, Forest Service Handbook 1909.12, Chapter 70—Wilderness Evaluation)	0596-AC57
260	Special Areas; State Specific Inventoried Roadless Area Management: South Carolina	0596-AC60

Office of Chief Financial Officer—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
261	United States Department of Agriculture Research Misconduct Regulations for Extramural Research	0505-AA13

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
262	Designation of Biobased Items for Federal Procurement, Round 5	0503-AA33

USDA

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
263	General Nonprocurement Regulations	0503-AA21
264	Designation of Biobased Items for Federal Procurement, Round 2	0503-AA30
265	Designation of Biobased Items for Federal Procurement, Round 3	0503-AA31
266	Designation of Biobased Items for Federal Procurement, Round 4	0503-AA32

Rural Business-Cooperative Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
267	Rural Business Investment Program	0570-AA35

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
268	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock	0570-AA26
269	Amendment of Guarantee Requirements	0570-AA62
270	Socio-Economic Benefit Assessment System (SEBAS)	0570-AA63
271	Renewable Energy Systems and Energy Efficiency Improvements (REEEI) Program	0570-AA64
272	Delivery Enhancement for Guaranteed Loans	0570-AA65

Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
273	Rural Economic Development Loan and Grant Program	0570-AA19
274	B&I Guaranteed Loan Program Farm Bill Changes—Expanded Eligibility Criteria	0570-AA39

Rural Business-Cooperative Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
275	Business and Industry Loan Program—Rewrite of Program Regulations	0570-AA41
276	National Security Emergency	0570-AA48
277	Business and Industry Guaranteed Loan Program—Implement the Debt Collection Improvement Act (DCIA) of 1996	0570-AA54
278	Equal Opportunity for Religious Organizations	0570-AA61

Rural Utilities Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
279	Lien Accommodations and Subordinations for 100 Percent Private Financing	0572-AB99
280	Electric System Operations and Maintenance, Interconnection of Distributed Resources	0572-AC07

USDA

Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
281	Water and Waste Loans and Grants	0572-AC03
282	Rural Broadband Access Loans and Loan Guarantees	0572-AC06

Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
283	Servicing of Water Programs Loans and Grants	0572-AB59
284	Public Television Station Digital Transition Grant Program	0572-AC02
285	Rural Area Definitions for Rural Development WEP Programs	0572-AC04

Rural Utilities Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
286	Telecommunications Standards and Specifications for Materials, Equipment, and Construction	0572-AB40
287	Specifications for 15, 25, and 35 kV Primary Underground Power Cable	0572-AC05

Natural Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
288	Conservation Security Program	0578-AA36
289	Grassland Reserve Program	0578-AA38
290	Confidentiality of Conservation Program Information	0578-AA40

Office of Procurement and Property Management—Long-Term Actions

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

BILLING CODE 3410-90-S

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.

USDA—AMS

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	12/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building,

1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-3252

Fax: 202 205-7808

Email: mark.bradley@usda.gov

RIN: 0581-AB97**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)****Proposed Rule Stage****2. HONEY RESEARCH AND PROMOTION: PACKER/IMPORTER BOARD (FV-03-704)****Priority:** Routine and Frequent**Legal Authority:** 7 USC 7411 through 7425**CFR Citation:** 7 CFR 1212**Legal Deadline:** None

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

consumption of honey and honey products in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Charles W. Parrott, Associate Deputy Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit & Vegetable Programs, 14th & Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6393
Fax: 202 720-0016
Email: charles.parrott@usda.gov**RIN:** 0581-AC37**3. NATIONAL ORGANIC PROGRAM: SUNSET (EXPIRATION) OF ALLOWANCES AND PROHIBITIONS CONTAINED ON THE NATIONAL LIST (TM-04-07)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6501 through 6522**CFR Citation:** 7 CFR 205**Legal Deadline:** None

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

nonsynthetics and synthetics that are allowed for use in organic handling.

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

Expiration of the exempted or prohibited use of substances is provided for under the OFPA's sunset provision. AMS will conduct informal rulemaking to facilitate the sunset review of 165 exempted and 9 prohibited substances currently on the National List. On June 17, 2005, AMS published an ANPRM that established October 21, 2007, as the date by which the sunset review and renewal process must be concluded. This ANPRM discussed how the NOP will manage the sunset review and renewal process. The ANPRM also began the public comment process on whether the existing specific exemptions or prohibitions on the National List should be continued for organic production and handling. The comment period for the ANPRM closed on August 16, 2005. The NOSB will have approximately 90 days from the close of the comment period to provide a recommendation to AMS concerning the continued use and prohibition of over 150 materials. AMS expects to

USDA—AMS

Proposed Rule Stage

publish a proposed rule before the end of this year.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/05	70 FR 35177
ANPRM Comment Period End	08/16/05	
NPRM	03/06/07	72 FR 9872
NPRM Comment Period End	05/07/07	
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: mark.bradley@usda.gov

RIN: 0581-AC51

4. 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	11/00/07	
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lynne Eyre Yedinak, Food Technologist, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-9939
Fax: 202 690-0102
Email: fqastaff@usda.gov

RIN: 0581-AC52

5. NATIONAL ORGANIC PROGRAM: ACCESS TO PASTURE (TM-05-14)

Priority: Other Significant

Legal Authority: 7 USC 6501 et seq

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced agricultural products. Since implementation of the NOP, some members of the public have advocated for a more explicit regulatory standard on the relationship between livestock, particularly dairy animals, and grazing land. They have asserted the current regulatory language on access to pasture for ruminants and temporary confinement based on an animal's stage of production, when applied together, do not provide a uniform requirement for the pasturing of ruminant animals that meet the principles underlying an organic management system for livestock and livestock products that consumers expect. Comments received as a result of the proposed rule will assist in determining the Agency's next steps in rulemaking on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/06	71 FR 19131
ANPRM Comment Period End	06/12/06	
NPRM	06/00/07	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State

Agency Contact: Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: mark.bradley@usda.gov

RIN: 0581-AC57

6. MANDATORY REPORTING FOR DAIRY PROGRAMS (DA-06-07)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 7 USC 1621 through 1677

Legal Deadline: None

Abstract: The Agricultural Marketing Service is proposing to establish a Dairy Product Mandatory Reporting Program. The proposed program would: (1) Require persons engaged in manufacturing dairy products to provide the Department of Agriculture certain information including price, quantity, and moisture content of dairy products sold by the manufacturer and (2) require manufacturers and other persons storing dairy products to report to USDA information on the quantity of dairy products stored.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0581-AC66

USDA—AMS

Proposed Rule Stage

7. • LIVESTOCK MANDATORY REPORTING: REVISE REPORTING REGULATION FOR SWINE, CATTLE, LAMB, AND BOXED BEEF (LS-07-01)

Priority: Other Significant

Legal Authority: 7 USC 1621

CFR Citation: 7 CFR 59

Legal Deadline: None

Abstract: This rule is necessary to re-establish the regulatory authority for the Livestock Mandatory Reporting Program's continued operation and to implement the changes to the swine

reporting provision made to the Act, as well as other changes to enhance the program's overall operation and efficiency based on AMS' experience in the administration of the program over the last 5 years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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

Agency Contact: Erin Morris, Livestock and Seed Program, Department of Agriculture, Agricultural Marketing Service, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6231

Fax: 202 720-6231
Email: erin.morris@usda.gov

RIN: 0581-AC67

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

Final Rule Stage

8. THE NATIONAL ORGANIC PROGRAM: AMENDING THE NATIONAL LIST (TM-04-01), CROPS AND PROCESSING

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501

CFR Citation: 7 CFR 205

Legal Deadline: None

Abstract: On December 21, 2000, the Secretary of Agriculture (Secretary) established within the National Organic Program (NOP) the National List. The National List regulations identify synthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. Under the authority of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501 et seq.), the National List can be amended by the Secretary based on proposed amendments developed by the National Organic Standards Board (NOSB). This action will amend the National List to reflect recommendations submitted to the Secretary by the NOSB from November 15, 2000, through March 3, 2005. Between the specified time period, the NOSB has recommended that the Secretary add 4 substances to section 205.601 and 11 substances to section 205.605 of the National List regulations. This action will also amend the mailing address for where to file a Certification or Accreditation appeal pursuant to section 205.681(d).

Action	Date	FR Cite
NPRM Comment Period End	11/15/05	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

Agency Contact: Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: mark.bradley@usda.gov

RIN: 0581-AC35

program and agency administrative overhead costs. In the past, AMS has amended its regulations on an as needed basis in order to recover laboratory program costs. With this regulation, AMS is providing for three annual standard hourly fee rate increases for fiscal years 2007-2009. This will provide the agricultural commodity industries and other stakeholders with more timely and relevant information regarding user fees for voluntary laboratory testing services. The Agency is also removing tables and schedules with listings of individual tests and services. Three annual hourly fee rate adjustments are established by this action for appeals, holiday, and overtime services to reflect the anticipated increase cost of providing these laboratory services each fiscal year. The regulations also are updated to identify current facility addresses. Part 92 is obsolete and therefore has been removed.

Timetable:

Action	Date	FR Cite
NPRM	09/22/06	71 FR 55369
NPRM Comment Period End	10/23/06	
Final Action	06/00/07	

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 20250-0272

9. 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 changing the hourly fee rates for Science and Technology (S&T) Laboratory Services. The agency is raising these rates to reflect, among other factors, national and locality pay increases for Federal employees and inflation, operating costs, instrumentation and training, and

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54006

USDA—AMS

Final Rule Stage

Phone: 202 690-4089
 Fax: 202 720-4631
 Email: james.falk@usda.gov
 RIN: 0581-AC48

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

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 4990

CFR Citation: 7 CFR 46

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS), Perishable Agricultural Commodities Act Branch, has issued an advance notice of proposed rulemaking in response to concerns raised by the industry that sellers may lose their status as trust creditors when using electronic data interchange (EDI) for invoicing. The Perishable Agricultural Commodities Act (PACA) imposes a statutory trust on the assets, including inventory and receivables of a licensee or firm operating subject to the PACA that have not paid for perishable agricultural commodities. The PACA provides that a creditor may preserve its rights under the trust by including specified language on billing or invoicing statements. In 1997, the PACA regulations were amended to state that electronic transmissions are considered "ordinary and usual billing and invoicing statements." While perfecting PACA trust rights on paper invoices is fairly straightforward, due to the nature of technology, perfecting trust rights using EDI is not. Sellers who use EDI transmissions to perfect their trust rights perceive a threat that their trust rights may not be preserved. AMS is soliciting comments on the preservation of PACA trust rights in connection with EDI invoicing so that the Agency will be able to provide greater direction to the industry of how PACA trust rights can be preserved when invoicing electronically.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/06	71 FR 4831
ANPRM Comment Period End	03/16/06	
NPRM	11/08/06	71 FR 65426
NPRM Comment Period End	01/08/07	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Bruce W. Summers, Chief, PACA Branch, Fruit and Vegetable Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-4180
 Fax: 202 690-4413
 Email: bruce.summers@usda.gov
 RIN: 0581-AC53

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

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501 et seq

CFR Citation: 7 CFR 205

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Tribal

Agency Contact: Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-3252
 Fax: 202 205-7808
 Email: mark.bradley@usda.gov

RIN: 0581-AC61

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

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6501 to 6522

CFR Citation: 7 CFR 205

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Tribal

Agency Contact: Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-3252
 Fax: 202 205-7808
 Email: mark.bradley@usda.gov

RIN: 0581-AC62

13. MULTI-YEAR REVISION OF FEES FOR THE FRESH FRUIT AND VEGETABLE TERMINAL MARKET INSPECTION SERVICES (FV-06-308)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 51

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) is raising fresh fruit and vegetable destination market fees by 15 percent in order to: (1) Build and maintain the 4 months of operating reserve as required by AMS policy and

USDA—AMS

Final Rule Stage

(2) cover the costs associated with providing quality inspection services to destination markets.

Timetable:

Action	Date	FR Cite
NPRM	12/01/06	71 FR 69497
NPRM Comment Period End	01/02/07	
Final Action	04/00/07	

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

Agency Contact: Rita Bibbs-Booth, Program Support Section Head, Department of Agriculture, Agricultural Marketing Service, Program Support

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

RIN: 0581-AC63
Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Long-Term Actions

14. 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

Action	Date	FR Cite
NPRM Comment Period End	12/29/03	
Interim Final Rule	10/05/04	69 FR 59708
Interim Final Rule Comment Period End	01/03/05	
Interim Final Rule Effective	04/04/05	
Comment Period Extended	11/27/06	71 FR 68431
Comment Period End	02/26/07	
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: Stephen E. Altizer
Phone: 202 720-4486
Fax: 202 720-1112
Email: stephen.altizer@usda.gov

RIN: 0581-AC26
Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Completed Actions

15. CHANGES IN FEES FOR FEDERAL MEAT GRADING AND CERTIFICATION SERVICES (LS-05-05)
Priority: Substantive, Nonsignificant**CFR Citation:** 7 CFR 54**Completed:**

Reason	Date	FR Cite
Final Action	09/27/06	71 FR 56335

Regulatory Flexibility Analysis Required: No

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

Agency Contact: Larry R. Meadows
Phone: 720 497-2520
Fax: 720 497-0571
Email: larry.meadows@usda.gov

RIN: 0581-AC49
16. CHANGES IN FEES FOR VOLUNTARY FEDERAL DAIRY GRADING AND INSPECTION SERVICES (FEE INCREASE) (DA-05-04)
Priority: Substantive, Nonsignificant**CFR Citation:** 7 CFR 54; 7 CFR 58**Completed:**

Reason	Date	FR Cite
Final Action	10/17/06	71 FR 60805

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** State

Agency Contact: John Mengel
Phone: 202 720-4664
Email: john.mengel@usda.gov
RIN: 0581-AC55

17. FEDERAL PROCESSED FRUITS AND VEGETABLES, FEE INCREASE (FV-05-379)
Priority: Substantive, Nonsignificant**CFR Citation:** 7 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	03/07/07	72 FR 10035
Final Action Effective	04/06/07	

Regulatory Flexibility Analysis Required: No

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

Agency Contact: Terry B. Bane
Phone: 202 720-4693
Email: terry.bane@usda.gov

RIN: 0581-AC56
18. • INCREASE IN FEES AND CHARGES FOR EGG, POULTRY, AND RABBIT GRADING (PY-06-002)
Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 through 1627

CFR Citation: 7 CFR 56 and 70**Legal Deadline:** None

Abstract: To amend the Voluntary Egg, Poultry, and Rabbit Grading Act. A recent review determined that the

USDA—AMS

Completed Actions

existing fee schedule, effective September 25, 2005, will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance in FY 2007.

Timetable:

Action	Date	FR Cite
NPRM	10/06/06	71 FR 59028

Action	Date	FR Cite
NPRM Comment Period End	11/06/06	
Final Action	03/14/07	72 FR 11773
Final Action Effective	04/01/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janet Tenney, Department of Agriculture, Agricultural Marketing Service, Room 3953-S, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-2356
Email: janet.tenney@usda.gov

RIN: 0581-AC64

BILLING CODE 3410-02-S

**Department of Agriculture (USDA)
Agricultural Research Service (ARS)**

Proposed Rule Stage

**19. • GENERAL ADMINISTRATIVE
POLICY FOR NON-ASSISTANCE
COOPERATIVE AGREEMENTS**

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

Legal Authority: 7 USC 3318(b)

CFR Citation: 7 CFR 550

Legal Deadline: None

Abstract: This rulemaking would establish uniform guidelines on the use, award, and administration of cooperative agreements awarded under the authority of 7 U.S.C. 3318(b),

within USDA's Research, Education, and Economics (REE) Mission Area. This statutory authority provides for a special class of agreements that are known as "non-assistance cooperative agreements." Non-assistance agreements facilitate REE's ability to forge unique partnerships and maintain historic relationships with universities and other public, private, and Federal entities engaged in agricultural research and statistical reporting.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ken Kessler, Department of Agriculture, Agricultural Research Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 301 504-1148
Email: ken.kessler@ars.usda.gov

RIN: 0518-AA03

BILLING CODE 3410-03-S

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

Proposed Rule Stage

**20. GUARANTEED LOANS—INTEREST
TO BE PAID ON LOSS CLAIMS**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989 et seq

CFR Citation: 7 CFR 762

Legal Deadline: None

Abstract: This rule proposes to allow a maximum of 210 days of interest to accrue from the payment due date with only one exception—FSA's failure to approve or reject the claim within 40 days of receipt. Also, the actions expected of lenders and FSA staff will

be emphasized. Lenders are expected to file estimated or final loss claims on all accounts in a timely manner. Depending on the circumstances, the estimated loss claim could be for zero dollars. FSA staff will be reminded to monitor their estimated loss claims closer to avoid extra interest days.

Timetable:

Action	Date	FR Cite
NPRM	03/27/07	72 FR 14244
NPRM Comment Period End	05/29/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0560-AH55

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

Long-Term Actions

**21. 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

USDA—FSA

Long-Term Actions

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AF60

22. OCEAN FREIGHT CLAIMS ADMINISTRATIVE APPEAL PROCESS

Priority: Other Significant

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AG49

23. 2002 FARM BILL REGULATIONS—ASSISTANCE FOR LIVESTOCK PRODUCERS

Priority: Other Significant

CFR Citation: 7 CFR 1439

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AG76

24. 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

Action	Date	FR Cite
Notice	01/18/05	70 FR 2837
NPRM	11/28/06	71 FR 68755
NPRM Comment Period End	01/29/07	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AG90

25. 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

26. DEBT COLLECTION, DEBT SETTLEMENT, AND ASSIGNMENT OF PAYMENTS

Priority: Other Significant

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

Related RIN: Previously reported as 0560-AF22

RIN: 0560-AH09

27. DISASTER DECLARATION AND DESIGNATION

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 791; 7 CFR 1945

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH17

28. 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

29. GUARANTEED FARM LOAN FEES

Priority: Other Significant

CFR Citation: 7 CFR 762

Timetable:

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

Regulatory Flexibility Analysis

Required: No

USDA—FSA

Long-Term Actions

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-AH41

30. EMERGENCY CONSERVATION PROGRAM

Priority: Economically Significant.

Major under 5 USC 801.

CFR Citation: 7 CFR 701

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH43

31. REASSIGNMENT OF SUGAR ALLOCATION SHORTFALLS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1435

Timetable:

Action	Date	FR Cite
NPRM	11/13/06	71 FR 66142
NPRM Comment Period End	01/12/07	
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-AH50

32. STORAGE REQUIREMENTS FOR GRAIN SECURITY FOR MARKETING ASSISTANCE LOANS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1421

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH52

33. DEFINING SUGAR SUBJECT TO MARKETING ALLOCATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1435

Timetable:

Action	Date	FR Cite
ANPRM	09/08/06	71 FR 5301
ANPRM Comment Period End	11/07/06	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH53

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

Priority: Other Significant

CFR Citation: 7 CFR 770

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH54

35. APPRAISAL REQUIREMENTS FOR FARM OWNERSHIP LOANS

Priority: Substantive, Nonsignificant

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

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-AH56

36. FARM STORAGE FACILITY LOAN PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1436

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-AH60

37. GRASSROOTS SOURCE WATER PROTECTION PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 709

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH61

USDA—FSA

Long-Term Actions

38. INTEREST RATES ON FARM SERVICE AGENCY FARM LOAN PROGRAMS GUARANTEED LOANS

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

CFR Citation: 7 CFR 762

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-AH66

procedures to implement this authority are out of date and generally inadequate to meet Government or National needs should a situation arise that calls for exercise of the authority. As a result, the Farm Service Agency is meeting this deficiency by promulgating permanent regulations that would allow USDA to efficiently place priority ratings on contracts or orders with respect to resources within its authority, should the need arise. FSA envisions proposing regulations similar to the Department of Commerce's Defense Priorities and Allocation System (DPAS) for establishing priority ratings for contract performance.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Director,

Regulatory Review Group, Department

of Agriculture, Farm Service Agency,

1400 Independence Avenue SW,

Washington, DC 20250-0572

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH68

40. ● ACREAGE REPORTING AND COMMON PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-357

CFR Citation: 7 CFR 718

Legal Deadline: None

Abstract: This rule amends provisions common to multiple programs, including acreage report requirements, farm constitution, and monitoring compliance with those provisions. This rule removes references to tobacco allotments and marketing quotas; adds procedures for late-filed applications for prevented planting; adds definitions regarding irrigated acreage and final planting dates, common land unit, and makes other, minor clarifications.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig, Director,

Regulatory Review Group, Department

of Agriculture, Farm Service Agency,

1400 Independence Avenue SW,

Washington, DC 20250-0572

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH69

39. ● DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2061 et seq; 42 USC 5195 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Secretary of Agriculture is authorized to establish a system of priority performance contracts and allocations of certain agriculture-related resources, as necessary, to meet national defense priorities. Current Department of Agriculture 'stand-by'

Department of Agriculture (USDA)

Farm Service Agency (FSA)

Completed Actions

41. INTEREST ASSISTANCE PROGRAM

Priority: Other Significant

CFR Citation: 7 CFR 762

Completed:

Reason	Date	FR Cite
Final Action	04/09/07	72 FR 17353

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tom Witzig

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AG46

42. PROCUREMENT OF COMMODITIES FOR FOREIGN DONATION

Priority: Other Significant

CFR Citation: 7 CFR 1496

Completed:

Reason	Date	FR Cite
Final Action	02/12/07	72 FR 6450

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip Elder

Phone: 202 690-8104

Fax: 202 720-5233

Email: phillip_elder@wdc.usda.gov

RIN: 0560-AH40

43. 2005 HURRICANE DISASTER ASSISTANCE PROGRAMS

Priority: Other Significant

CFR Citation: 7 CFR 760

Completed:

Reason	Date	FR Cite
Final Action	01/09/07	72 FR 875

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Witzig

USDA—FSA

Completed Actions

Phone: 202 205-5851
 Fax: 202 720-5233
 Email: tom.witzig@usda.gov
 RIN: 0560-AH45

44. 2006 DISASTER ASSISTANCE PROGRAMS

Priority: Economically Significant.
 Major under 5 USC 801.

CFR Citation: 7 CFR 1400

Completed:

Reason	Date	FR Cite
Final Action	02/12/07	72 FR 6435

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-AH62

45. • DEFINITION OF INDIAN TRIBE FOR PAYMENT ELIGIBILITY AND PAYMENT LIMITATION

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1308 et seq

CFR Citation: 7 CFR 1400

Legal Deadline: None

Abstract: This rule amends the regulations of the Commodity Credit Corporation (CCC) governing payment limitation and payment eligibility and the limitation on the maximum allowable adjusted gross income (AGI) for program participants. Currently, 7 CFR part 1400, subpart G, exempts Indian tribes from all requirements of the AGI limitation for payment eligibility without providing a definition of Indian tribe. This rule defines "Indian tribe" consistent with the definition used by the United States Department of the Interior, Bureau of Indian Affairs (BIA), and other rules utilized by CCC, FSA, and the Natural

Resources Conservation Service (NRCS) in their programs.

Timetable:

Action	Date	FR Cite
Final Action	11/15/06	71 FR 66432

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: tom.witzig@usda.gov

RIN: 0560-AH67

BILLING CODE 3410-05-S

Department of Agriculture (USDA)

Prerule Stage

Animal and Plant Health Inspection Service (APHIS)

46. • INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING

Priority: Other Significant

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

CFR Citation: 7 CFR 340

Legal Deadline: None

Abstract: APHIS is considering changes to its regulations regarding the importation, interstate movement, and environmental release of genetically engineered organisms. We are seeking public comment on the regulatory alternatives we have identified through scoping and on the draft environmental impact statement (DEIS) we have prepared relative to those alternatives. This notice reflects the Agency's current thinking on policy and program design issues affecting our biotechnology programs. The DEIS evaluates the alternatives we have identified so far in terms of their potential effects on the human environment compared to our current regulatory program.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement	01/23/04	69 FR 3271
Comment Period End	03/23/04	
Notice of Availability of Draft Environmental Impact Statement	04/00/07	
Comment Period End	06/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: Michael Wach, Biotechnology Regulatory Services, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 147, Riverdale, MD 20737-1236

Phone: 301 734-0485

RIN: 0579-AC31

47. • REGULATION OF GENETICALLY ENGINEERED ANIMALS

Priority: Other Significant

Legal Authority: 7 USC 8301 to 8317

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: APHIS is considering the need to regulate the movement (which includes importation, containment, and field release) of genetically engineered animals to ensure that the genetically engineered traits do not present a health risk to livestock. Biotechnology research and development have resulted in genetically engineered animals and animal products that are ready for commercialization. Although these applications may provide significant agricultural, human/animal health, and societal benefits, there are also potential risks, concerns, and environmental impacts associated with the technology that may require Federal oversight.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/07	
ANPRM Comment Period End	11/00/07	

USDA—APHIS

Prerule Stage

Regulatory Flexibility Analysis

Required: Undetermined

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: John Turner, Director, Policy Coordination Division, BRS, Department of Agriculture, Animal and

Plant Health Inspection Service, 4700 River Road, Unit 146, Riverdale, MD 20737-1236

Phone: 301 734-5720

RIN: 0579-AC37

Department of Agriculture (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

48. 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 humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979, and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. These include standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End	07/29/02	
NPRM	09/00/07	
NPRM Comment Period End	01/00/08	

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

Phone: 301 734-8271

RIN: 0579-AB24

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

Priority: Other Significant

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

CFR Citation: 9 CFR 93

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

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

Agency Contact: 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

50. 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	04/00/07	

USDA—APHIS

Proposed Rule Stage

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

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** Dave Pyburn, National Trichinae Coordinator, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 210 Walnut Street, Room 891, Des Moines, IA 50309
Phone: 515 284-4122**RIN:** 0579-AB92**51. 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:** APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/08	
NPRM Comment Period End	04/00/08	

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:** Darrel Styles, Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234
Phone: 301 734-0658**RIN:** 0579-AC02**52. 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 give 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 if determined appropriate by the risk assessment. 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	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.**Agency Contact:** 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**53. NATIONAL VETERINARY
ACCREDITATION PROGRAM
(RULEMAKING RESULTING FROM A
SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 8301 to 8317; 15 USC 1828**CFR Citation:** 9 CFR 160 to 162**Legal Deadline:** None**Abstract:** This rulemaking would amend the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the current single category, to add requirements for supplemental training and renewal of accreditation, and to offer accreditation specializations. These changes are intended to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent.**Timetable:**

Action	Date	FR Cite
NPRM	06/01/06	71 FR 31109
NPRM Comment Period End	07/31/06	
Supplemental NPRM	02/27/07	72 FR 8634
Supplemental NPRM Comment Period End	04/30/07	

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>.

USDA—APHIS

Proposed Rule Stage

Agency Contact: Todd Behre, 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

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

Priority: Other Significant

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

CFR Citation: 7 CFR 340

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Tribal

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

Agency Contact: Michael Wach, Biotechnology Regulatory Services, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 147, Riverdale, MD 20737-1236

Phone: 301 734-0485

RIN: 0579-AC08

55. • MINIMUM AGE REQUIREMENTS FOR THE TRANSPORT OF ANIMALS

Priority: Other Significant

Legal Authority: 7 USC 2131 to 2159

CFR Citation: 9 CFR 2

Legal Deadline: None

Abstract: We propose to amend the Animal Welfare Act regulations by adding minimum age and weaning requirements for the transport in commerce of exotic and wild animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for exotic and wild animals, despite the risks associated with the early transport of these species. We also propose an exemption to allow animals to be transported without their mothers for medical treatment and for scientific research before reaching the minimum age and weaning requirement, provided certain conditions are met. Establishing minimum age requirements for the transport of exotic and wild animals and providing for the transport of animals that have not met the minimum age requirements are necessary to help ensure the humane treatment of these animals.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

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

RIN: 0579-AC14

56. • USER FEES; EXPORT CERTIFICATION FOR PLANTS AND PLANT PRODUCTS

Priority: Other Significant

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 rulemaking would amend the user fee regulations by adjusting the fees charged for export certification of plants and plant products. We are proposing to increase these user fees to reflect the anticipated costs associated with providing these services. We are also proposing to add a new user fee for Federal export certificates for plants and plant products that an exporter obtains from a State or county cooperator in order to recover our administrative costs associated with that service. Finally, we are proposing to make several nonsubstantive changes to the regulations for clarity. These proposed changes would enable us to properly recover the costs of providing export certification services for plants and plant products.

Timetable:

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

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: Karen Bedigian, Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737-1236
Phone: 301 734-4382

Kris Caraher, User Fee Section, Financial Services Branch, Financial Management Division, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 54, Riverdale, MD 20737-1232

USDA—APHIS

Proposed Rule Stage

Phone: 301 734-5901

RIN: 0579-AC22

57. • INTERSTATE MOVEMENT OF CITRUS FRUIT**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 would amend the regulations to relieve restrictions that currently require citrus producers to ensure that citrus groves in the State of Florida are certified to be free of citrus canker prior to interstate movement of citrus fruit. This action would also require that all inspection of fruit for symptoms of citrus canker as well as treatments and packaging of citrus fruit to be moved interstate occur in packinghouses that operate under a compliance agreement with APHIS. This action would allow the interstate movement of fresh citrus fruit from Florida, provided the fruit does not exhibit symptoms of citrus canker and is handled in accordance with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

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

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

RIN: 0579-AC34

58. • CONTAGIOUS EQUINE METRITIS (CEM) EXEMPTION FOR NONCOMPETITIVE ENTERTAINMENT HORSES**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 for importation of horses from regions where contagious equine metritis (CEM) exists. It would establish conditions under which noncompetitive entertainment horses (stallions and mares) over 731 days of age from CEM-affected regions could remain in the United States for longer than 90 days without undergoing the CEM quarantine and testing currently prescribed in the regulations.

Timetable:

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

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

Agency Contact: 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-AC35

Department of Agriculture (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

59. 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**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 extend the requirements for a phytosanitary certificate to additional fruits and vegetables.

Timetable:

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	
NPRM; Availability of Risk Assessment	05/24/06	71 FR 29846
NPRM; Availability of Risk Assessment Comment Period End	07/24/06	
Final Rule	12/00/07	

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

Agency Contact: Shirley Wager-Page, Branch Chief, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1231
Phone: 301 734-0627

RIN: 0579-AB18

60. 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. The rule would also make substantive changes to the regulations, including 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 and doing away with the practice of listing specific commodities that may be imported subject to certain types of phytosanitary measures. 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	04/27/06	71 FR 25010
NPRM Comment Period End	07/26/06	
NPRM Comment Period Reopened	08/01/06	71 FR 43385
NPRM Comment Period End	08/25/06	
Final Rule	07/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: 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: 301 734-8758

RIN: 0579-AB80

61. 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 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/07	
Interim Final Rule Effective	02/27/07	
Interim Final Rule Comment Period End	04/30/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State

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

Agency Contact: 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

62. 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 APHIS. These would include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. APHIS' 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 Period End	10/25/04	
Final Rule	10/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

USDA—APHIS

Final Rule Stage

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

63. 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 rulemaking 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.

Timetable:

Action	Date	FR Cite
NPRM	08/17/05	70 FR 48325
NPRM Comment Period End	10/17/05	
Final Rule	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Agency Contact: Albert P. Morgan, Chief Staff Veterinarian, VS, Center for Veterinary Biologics, Department of

Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 148, Riverdale, MD 20737-1237
Phone: 301 734-8245

RIN: 0579-AB90

64. BOLL WEEVIL; QUARANTINE AND REGULATIONS

Priority: Other Significant

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

CFR Citation: 7 CFR 301

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/31/06	71 FR 63707
NPRM Comment Period End	01/02/07	
NPRM Comment Period Extended	12/20/06	71 FR 76224
NPRM Comment Period End	02/01/07	
Final Rule	12/00/07	

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: 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

65. SPECIAL NEED REQUESTS UNDER THE PLANT PROTECTION ACT

Priority: Other Significant

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

CFR Citation: 7 CFR 301

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/04/06	71 FR 16711
NPRM Comment Period End	06/05/06	
Final Rule	10/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions

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: Valerie DeFeo, Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737-1237
Phone: 301 734-8247

RIN: 0579-AB98

66. 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

USDA—APHIS

Final Rule Stage

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 U.S. commercial poultry production.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/06	71 FR 56302
Interim Final Rule Effective	09/26/06	
Interim Final Rule Comment Period End	11/27/06	
Final Rule	10/00/07	

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. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, VS, 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**67. STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701**CFR Citation:** 9 CFR 93**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/13/06	71 FR 74827
NPRM Comment Period End	02/12/07	
Final Rule	01/00/08	

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: 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**68. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES****Priority:** Economically Significant. Major under 5 USC 801.**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 to establish conditions for the importation of additional commodities. The commodities addressed by the rulemaking include live bovines born after the date of effective enforcement of a ruminant-to-ruminant feed ban in the region of export, blood and blood products derived from bovines, and casings and part of the small intestine of bovines from regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/09/07	72 FR 1102
NPRM Comment Period End	03/12/07	
Final Rule	09/00/07	

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

Agency Contact: 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

Lee Ann Thomas, Director, Animals, Organisms and Vectors, and Select Agents, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231
Phone: 301 734-5960

Lisa Ferguson, 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
Phone: 301 734-6954

RIN: 0579-AC01

USDA—APHIS

Final Rule Stage

69. • IMPORTATION OF POULTRY AND POULTRY PRODUCTS FROM REGIONS AFFECTED WITH HIGHLY PATHOGENIC AVIAN INFLUENZA**Priority:** Other Significant**Legal Authority:** 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a**CFR Citation:** 9 CFR 93 to 95**Legal Deadline:** None

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly

pathogenic avian influenza other than subtype H5N1. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1. The new restrictions will be almost identical to those imposed on articles from regions with exotic Newcastle disease.

Timetable:

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

Regulatory Flexibility Analysis Required: No**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: S. Anne Goodman, Supervisory Staff Officer, Sanitary Trade Issues Team, 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-AC36
**Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)**

Long-Term Actions

70. 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	
Withdrawal and Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** Robert Flanders
Phone: 301 734-5930**RIN:** 0579-AA80**71. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 53**Timetable:**

Action	Date	FR Cite
NPRM	05/01/02	67 FR 21934
NPRM Comment Period Extended	06/28/02	67 FR 43566
NPRM Comment Period End	07/01/02	

Action	Date	FR Cite
NPRM Comment Period End	07/31/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Agency Contact:** Mark Teachman
Phone: 301 734-8073**RIN:** 0579-AB34**72. CHRONIC WASTING DISEASE IN ELK AND DEER; INTERSTATE MOVEMENT RESTRICTIONS AND PAYMENT OF INDEMNITY****Priority:** Other Significant**CFR Citation:** 9 CFR 55; 9 CFR 81**Timetable:**

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

Action	Date	FR Cite
Comment Period Extended	11/21/06	71 FR 67313
Comment Period End	01/03/07	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal, State**Agency Contact:** Dean Goeldner
Phone: 301 736-4916**RIN:** 0579-AB35**73. KARNAL BUNT COMPENSATION****Priority:** Other Significant**CFR Citation:** 7 CFR 301**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/01/02	67 FR 21561
Interim Final Rule Comment Period End	07/01/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Vedpal S. Malik
Phone: 301 734-6774**Related RIN:** Related to 0579-AA83**RIN:** 0579-AB45

USDA—APHIS

Long-Term Actions

74. MOVEMENT OF UNROASTED COFFEE INTO HAWAII AND PUERTO RICO**Priority:** Other Significant**CFR Citation:** 7 CFR 305; 7 CFR 319**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Undetermined

Agency Contact: Shirley Wager—Page
Phone: 301 734-8453**RIN:** 0579-AB96**75. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES; UNSEALING OF MEANS OF CONVEYANCE AND TRANSLOADING OF PRODUCTS****Priority:** Other Significant**CFR Citation:** 9 CFR 93 to 95**Timetable:**

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State**Agency Contact:** Karen A. James—Preston
Phone: 301 734-4356**Related RIN:** Related to 0579-AB73**RIN:** 0579-AB97**76. CITRUS CANKER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK****Priority:** Other Significant**CFR Citation:** 7 CFR 301**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/06	71 FR 33168
Interim Final Rule Effective	06/08/06	
Interim Final Rule Comment Period End	08/07/06	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Agency Contact:** Stephen R. Poe
Phone: 301 734-4387**RIN:** 0579-AC05**77. AGRICULTURAL INSPECTION AND AQI USER FEES ALONG THE U.S./CANADA BORDER****Priority:** Other Significant**CFR Citation:** 7 CFR 319; 7 CFR 354**Timetable:**

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

Action	Date	FR Cite
Interim Final Rule Effective	11/24/06	
Delay of Effective Date	11/22/06	71 FR 67436
Delay of Effective Date	02/26/07	72 FR 8261
Next Action	Undetermined	

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-AC06**78. CITRUS CANKER; QUARANTINE OF THE STATE OF FLORIDA****Priority:** Other Significant**CFR Citation:** 7 CFR 301**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/01/06	71 FR 43345
Interim Final Rule Effective	08/01/06	
Interim Final Rule Comment Period End	10/02/06	
Technical Amendment	01/12/07	72 FR 1415
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Agency Contact:** Stephen R. Poe

Phone: 301 734-4387

RIN: 0579-AC07

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

79. • INTERSTATE MOVEMENT OF GARBAGE FROM HAWAII**Priority:** Substantive, Nonsignificant**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**CFR Citation:** 7 CFR 330; 9 CFR 94**Legal Deadline:** None**Abstract:** This rulemaking provided for the interstate movement of garbage from Hawaii subject to measures designed to protect against the dissemination of plant pests into noninfested areas of the continental United States.**Timetable:**

Action	Date	FR Cite
Availability of an Environmental Assessment	05/20/05	70 FR 29269
Comment Period End	06/20/05	
NPRM	04/19/06	71 FR 20030
NPRM Comment Period End	05/19/06	
NPRM Comment Period Reopened	05/31/06	71 FR 30834

USDA—APHIS

Completed Actions

NPRM Comment 06/05/06
 Period End
 Final Action 08/23/06 71 FR 49309
 Final Action Effective 09/22/06

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: Shannon Hamm, Assistant Deputy Administrator, PPD, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 20, Riverdale, MD 20737-1231

Phone: 301 734-4957

RIN: 0579-AC12

80. • IMPORTATION OF TABLE GRAPES FROM NAMIBIA

Priority: Routine and Frequent

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 rulemaking allows fresh table grapes from Namibia to be imported into the United States under specified conditions to prevent the introduction of plant pests, including cold treatment and fumigation with methyl bromide, inspection, and phytosanitary certification.

Timetable:

Action	Date	FR Cite
NPRM	06/26/06	71 FR 36221
NPRM Comment Period End	08/25/06	
Final Action	09/21/06	71 FR 55087
Final Action Effective	10/23/06	

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: Sharon Porsche, Import Specialist, Commodity Import Analysis and Operations, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1231

Phone: 301 734-8758

RIN: 0579-AC13

81. • INTERSTATE MOVEMENT OF FRUITS AND VEGETABLES FROM HAWAII

Priority: Routine and Frequent

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

CFR Citation: 7 CFR 305; 7 CFR 318

Legal Deadline: None

Abstract: This rulemaking will amend the regulations to remove vapor heat treatment as an approved treatment for bell pepper, eggplant, Italian squash, and tomato moved interstate from Hawaii. This action is necessary because these four commodities can serve as hosts for the solanum fruit fly, which has been detected in Hawaii, and vapor heat treatment is not an approved treatment for that pest. This rulemaking will also provide for the use of irradiation as an approved treatment for all Capsicum spp. (peppers) and Cucurbita spp. (squash) moved interstate from Hawaii. This action will relieve unnecessary restrictions on the interstate movement of peppers and squash and allow a greater variety of Capsicum spp. and Cucurbita spp. to be moved interstate from Hawaii.

Timetable:

Action	Date	FR Cite
NPRM	10/11/06	71 FR 59694
NPRM Comment Period End	12/11/06	
Final Action	02/23/07	72 FR 8087
Final Action Effective	03/26/07	

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: David B. Lamb, Import Specialist, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1236

Phone: 301 734-8758

RIN: 0579-AC15

82. • IMPORTATION OF SHELLED GARDEN PEAS FROM KENYA

Priority: Routine and Frequent

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 allows shelled garden peas from Kenya to be imported into the continental United States under specified conditions to prevent the introduction of plant pests, including inspection and phytosanitary certification.

Timetable:

Action	Date	FR Cite
NPRM	07/06/06	71 FR 38302
NPRM Comment Period End	09/05/06	
Final Action	10/24/06	71 FR 62197
Final Action Effective	11/24/06	

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: Sharon Porsche, Import Specialist, Commodity Import Analysis and Operations, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1231

Phone: 301 734-8758

RIN: 0579-AC17

83. • IMPORTATION OF FRUITS AND VEGETABLES

Priority: Routine and Frequent

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 allows a number of fruits and vegetables from various parts of the world to be imported into the United States under specified conditions to prevent the introduction of plant pests. All of the fruits and vegetables, as a condition of entry, are subject to inspection and treatment at the port of first arrival as

USDA—APHIS

Completed Actions

may be required by an inspector. Some of the fruits and vegetables must also meet other conditions.

Timetable:

Action	Date	FR Cite
NPRM	12/22/05	70 FR 75967
NPRM Comment Period End	02/21/06	
NPRM Comment Period Reopened	03/03/06	71 FR 10924
NPRM Comment Period End	03/10/06	
Final Action	12/18/06	71 FR 75649
Final Action Effective	12/18/06	

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: 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: 301 734-8758

RIN: 0579-AC23

84. • NATIONAL POULTRY IMPROVEMENT PLAN AND AUXILIARY PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 8301 to 8317

CFR Citation: 9 CFR 145; 9 CFR 147

Legal Deadline: None

Abstract: This rulemaking amended the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The changes were voted on and approved by the voting delegates at the Plan's 2004 National Plan Conference.

Timetable:

Action	Date	FR Cite
NPRM	06/19/06	71 FR 35203
NPRM Comment Period End	08/18/06	
Final Action	01/12/07	72 FR 1416
Final Action Effective	02/12/07	

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: Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 1498 Klondike Road, Suite 101, Conyers, GA 30094-5104
Phone: 770 922-3496

RIN: 0579-AC27

BILLING CODE 3410-34-S

Department of Agriculture (USDA)

Proposed Rule Stage

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

85. CSREES AGRICULTURAL EXTENSION FORMULA PROGRAMS—ADMINISTRATIVE PROVISIONS

Priority: Info./Admin./Other

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Passage of the Farm Security and Rural Investment Act of 2002, sections 7212 and 7213, has resulted in the need for CSREES to clarify its

distribution of funding, matching requirements, carryover provisions, and reporting requirements for extension programs at 1862 Land-Grant Institutions and 1890 Land-Grant Institutions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

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

Department of Agriculture (USDA)

Final Rule Stage

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

86. 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	06/00/07	

USDA—CSREES

Final Rule Stage

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**87. REVISED ADMINISTRATIVE PROVISIONS—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 638; PL 99-591, 100 Stat 3341; PL 106-554**CFR Citation:** 7 CFR 3403**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	05/18/06	71 FR 28780
NPRM Comment Period End	06/19/06	
Final Action	04/00/07	

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

Agency Contact: Joanna Moore, Department of Agriculture, Cooperative State Research, Education, and Extension Service, 1400 Independence Avenue SW, Washington, DC 20250-2299
Phone: 202 690-6011

RIN: 0524-AA31

Department of Agriculture (USDA)

Completed Actions

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

88. CSREES NON-FORMULA GRANT PROGRAMS—ADMINISTRATIVE PROVISIONS**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 3427; 7 CFR 3400; 7 CFR 3402; 7 CFR 3405; 7 CFR 3406;**Completed:**

Reason	Date	FR Cite
Withdrawn	02/16/07	

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

Agency Contact: Erin Daly
Phone: 202 401-3319
Fax: 202 401-7752
Email: edaly@csrees.usda.gov

RIN: 0524-AA28**Completed:**

Reason	Date	FR Cite
Final Action	09/20/06	71 FR 54894

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

Agency Contact: Erin Daly
Phone: 202 401-3319
Fax: 202 401-7752
Email: edaly@csrees.usda.gov

RIN: 0524-AA32

situation as authorized by the National Veterinary Medical Service Act (NVMSA) (7 U.S.C. section 3151a). This rule also further delegates this authority from the Under Secretary for REE to the Administrator of the Cooperative State Research, Education, and Extension Service (CSREES).

Timetable:

Action	Date	FR Cite
Final Action	03/19/07	72 FR 12701
Final Action Effective	03/19/07	

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

Agency Contact: Erin Daly, Policy Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Office of External Programs, 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-AA33**BILLING CODE** 3410-09-S**89. REVISED ADMINISTRATIVE PROVISIONS—NATIONAL RESEARCH INITIATIVE COMPETITIVE GRANTS PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 3411**90. VETERINARY MEDICINE LOAN REPAYMENT ACT PROGRAM****Priority:** Info./Admin./Other**Legal Authority:** 7 USC 3151a**CFR Citation:** 7 CFR 2**Legal Deadline:** None

Abstract: Amend the delegations of authority from the Secretary of Agriculture to the Under Secretary for Research, Education, and Economics (REE) to carry out a program of entering into agreements with veterinarians under which they provide veterinary services in veterinarian shortage

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

Proposed Rule Stage

91. CIVIL RIGHTS COMPLIANCE REQUIREMENTS

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 1901 subpart E; 7 CFR 1940 subpart D

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

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

92. NATIONAL FLOOD INSURANCE REGULATIONS

Priority: Substantive, Nonsignificant

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	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Larry Fleming, Architect, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250–0761
 Phone: 202 720–8547
 Email: larry.fleming@wdc.usda.gov

RIN: 0575–AC07

93. 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	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0575–AC12

94. 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	08/00/07	

USDA—RHS

Proposed Rule Stage

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

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

Agency Contact: Carolyn Bell, Single-Family Housing Direct Loan Division, Department of Agriculture, Rural Housing Service, STOP 0783, 1400 Independence Avenue SW, Washington, DC 20250-0783
Phone: 202 720-1532
Fax: 202 720-2232
Email: carolyn.bell@wdc.usda.gov

RIN: 0575-AC20**95. 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 Agency 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	09/00/07	
NPRM Comment Period End	11/00/07	

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

Agency Contact: Patti Walker, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, STOP 0787, 1400 Independence Avenue SW, Washington, DC 20250-0787
Phone: 202 720-9699
Fax: 202 690-0471
Email: patti.walker@wdc.usda.gov

RIN: 0575-AC27**96. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT****Priority:** Substantive, Nonsignificant**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 Agency is consolidating, simplifying, and updating Agency standards for planning and developing sites and buildings to bring them in line with contemporary industry standards. This 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, Water and Waste, 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 Rural Development program delivery and will add value to the access and delivery of the Agency's programs.

Timetable:

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

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

Agency Contact: Larry Fleming, Architect, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250-0761
Phone: 202 720-8547
Email: larry.fleming@wdc.usda.gov

RIN: 0575-AC55**97. 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 for Housing and Community Facilities Programs, Utilities Programs, and Business and Cooperative Programs 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 Utilities environmental regulation; 7 CFR 1940-G, the current Housing/Business 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	06/00/07	
NPRM Comment Period End	08/00/07	

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

Agency Contact: Larry Fleming, Architect, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250-0761
Phone: 202 720-8547
Email: larry.fleming@wdc.usda.gov

RIN: 0575-AC56**98. COMMUNITY PROGRAMS GUARANTEED LOANS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined

USDA—RHS

Proposed Rule Stage

CFR Citation: 7 CFR 3575, subpart A

Legal Deadline: None

Abstract: The Agency 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	08/00/07	
NPRM Comment Period End	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0575-AC58

99. GUARANTEED RURAL RENTAL HOUSING—ELIMINATION OF CONSTRUCTION GUARANTEE

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 3565, sec 538

Legal Deadline: None

Abstract: Rural Development is amending the Guaranteed Rural Rental Housing Program (GRRHP) regulation, 7 CFR part 3565, to eliminate separate construction loans and the requirement for a 2 percent reserve for conversion to permanent financing. Such loans represent less than 20 percent of closed

loans in the GRRHP portfolio. Rural Development will focus on guarantees for permanent financing to extend through the construction period.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Arlene Nunes, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0781, Washington, DC 20250-0781
Phone: 202 401-2307
Email: arlene.nunes@wdc.usda.gov

RIN: 0575-AC64

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 1924, subpart A

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michel Mitias, Architect-Program Support Staff, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0761, Washington, DC 20250
Phone: 202 720-9653
Fax: 202 690-4335
Email: michel.mitias@wdc.usda.gov

RIN: 0575-AC65

101. • RESERVE ACCOUNT FOR SECTIONS 514/516 FARM LABOR HOUSING AND SECTION 515 RURAL RENTAL HOUSING PROGRAMS

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

Legal Authority: 5 USC 601 to 612; PL 91-190

CFR Citation: 7 CFR 3560; 7 CFR 1940

Legal Deadline: None

Abstract: The Agency proposes to revise 7 CFR 3560.65 to address reserve account requirements of new construction rental housing funded under sections 515 or 514/516 and does not affect reserve accounts of existing portfolios. This is simply a clarification to reflect current industry practice.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tammy Daniels, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-0021
Email: tammy.daniels@wdc.usda.gov

RIN: 0575-AC66

102. • GUARANTEED RURAL RENTAL HOUSING

Priority: Other Significant

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

USDA—RHS

Proposed Rule Stage

CFR Citation: 7 CFR 3565, sec 538**Legal Deadline:** None

Abstract: The Agency proposes to revise regulation 7 CFR 3565 to reflect new policy decisions adopted on several programmatic fronts. The Agency has new policies for less risky underwriting criteria, the use of loan funds, the guarantee during construction, the enforcement of criminal penalties and civil sanctions for equity skimming, and modifications

to program requirements to decrease the Government exposure. No information on alternatives is available at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Arlene Nunes, Senior Loan Specialist, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0781, Washington, DC 20250-0781
Phone: 202 401-2307
Email: arlene.nunes@wdc.usda.gov

RIN: 0575-AC67

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

Final Rule Stage

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

Timetable:

Action	Date	FR Cite
NPRM	06/02/03	68 FR 32872
NPRM Comment Period End	08/01/03	
Interim Final Rule	11/26/04	69 FR 69032
Interim Final Rule Comment Period End	12/27/04	
Interim Final Rule Effective	02/22/05	70 FR 8503
Final Action	03/00/08	

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 0781, 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 0781, Washington, DC 20250
Phone: 202 720-1615
Fax: 202 690-3444
Email: stephanie.white@wdc.usda.gov

Related RIN: Merged with 0575-AC24

RIN: 0575-AC13

**104. 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 Guaranteed Single-Family Housing program will 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	01/00/08	

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

**105. DIRECT SINGLE-FAMILY
HOUSING LOANS AND GRANTS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1472

CFR Citation: 7 CFR 3550

Legal Deadline: None

USDA—RHS

Final Rule Stage

Abstract: The Agency intends to revise the definitions of new and existing dwellings to remove the reference to a 10-year warranty plan; remove dollar limits and use 1 percent of insurance coverage on loss deductible clauses with the objective of recognizing the increasing cost of home ownership insurance due to higher cost of home purchase; and require homeowner education for new home buyers.

This package has been separated into two rules. All revisions, except the homeowner education requirements were published as a direct final rule on February 8, 2005 [70 FR 6551]. The Agency developed a proposed rule to implement the homeowner education requirement.

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/08/05	70 FR 6551
NPRM	03/06/06	71 FR 11167
NPRM Comment Period End	05/05/06	
Final Rule	02/05/07	72 FR 5153
Final Rule Effective	05/07/07	
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	

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, STOP 0783, 1400 Independence Avenue SW, Washington, DC 20250-0783
Phone: 202 720-1489
Fax: 202 690-2232
Email: janet.carter@wdc.usda.gov
RIN: 0575-AC54

106. 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 housing

customers to make home ownership affordable through the section 502 Direct Loan Program. No analysis has been conducted on the formula and its actual impacts since the change was implemented. Anecdotal information reveals that the formula may result in disparate treatment for some customers, especially those in the more rural counties. In addition, the formula is complex and difficult to explain to customers and partners. USDA has contracted for a study of the formula to determine the extent of disparate or unintended borrower treatments/consequences of the existing formula and develop more equitable and simplified alternatives to provide payment assistance to our customers without increasing the cost of the program to the Government.

Timetable:

Action	Date	FR Cite
NPRM	02/17/06	71 FR 8523
NPRM Comment Period End	04/18/06	
Final Action	09/00/07	
Final Action Effective	10/00/07	

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

Undetermined

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

107. 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 Development administers the section 538 Guaranteed

Rural Rental Housing Program (GRRHP) under the authority of the Housing Act of 1949. Under the GRRHP, Housing and Community Facilities Programs guarantees loans for the development of housing and related facilities for low- or moderate-income families in rural areas.

The final rule amends 7 CFR part 3565, subpart B, to change the language in 3565.53 (b) to change the due date of the annual guarantee fee.

The annual guarantee fee is a non-refundable amount that the lender must pay each year that the loan guarantee remains in effect. Currently the Finance Office in St. Louis calculates annual guarantee fees manually since the borrower submissions of December 31 year-end financial information are not loaded into their automated systems by January 1, when annual guarantee fees are due. The Finance Office has requested that the annual guarantee fee due date is changed from January 1 to February 1 to allow their automated systems to be uploaded with December 31 year-end information thus enabling them to automate the annual guarantee fee calculation process. Rural Development expects this revision will have no economic impact on the lender, the developer and the project.

Timetable:

Action	Date	FR Cite
NPRM	10/04/06	71 FR 58545
NPRM Comment Period End	12/04/06	
Final Action	07/00/07	
Final Action Effective	08/00/07	

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

BILLING CODE 3410—XV—S

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

Proposed Rule Stage

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 7 CFR 400

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Hand, Department of Agriculture, Federal Crop Insurance Corporation, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 690-2499
 Email: michael.hand@rma.usda.gov

RIN: 0563-AB73

109. 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	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AB83

110. 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	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 816 926-7743

RIN: 0563-AB98

111. 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	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC00

112. 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	05/00/07	

USDA—FCIC

Proposed Rule Stage

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

113. 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	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC09

114. 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	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC10

115. 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	05/00/07	

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

116. • COMMON CROP INSURANCE REGULATIONS, DRY PEA 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: To amend the Common Crop Insurance Policy, Dry Pea Provisions, to clarify existing regulations by improving the coverage offered, address program integrity issues, simplify program administration, and improve clarity of the policy provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC14

USDA—FCIC

Proposed Rule Stage

117. • COMMON CROP INSURANCE REGULATIONS, COVERAGE ENHANCEMENT OPTION

Priority: Routine and Frequent. Major status under 5 USC 801 is undetermined.

Legal Authority: 7 USC 1506

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The purpose of the proposed rule is to solicit public comments on

FCIC's proposed action to add a new section to 7 CFR part 457 that currently provides additional coverage for Texas citrus tree producers on a pilot basis. The action to convert the pilot coverage enhancement option insurance provisions to a permanent option.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC15

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

Final Rule Stage

118. COMMON CROP INSURANCE REGULATIONS AND VARIOUS CROP INSURANCE PROVISIONS

Priority: Other Significant

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

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The 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	07/14/06	
NPRM Comment Period End	09/12/06	71 FR 40194
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AB96

119. 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	11/16/06	71 FR 66694
NPRM Comment Period End	01/16/07	
Final Action	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AB99

120. COMMON CROP INSURANCE REGULATIONS, FLORIDA CITRUS FRUIT CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

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

CFR Citation: 7 CFR 457

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

USDA—FCIC

Final Rule Stage

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

RIN: 0563-AC01

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

Timetable:

Action	Date	FR Cite
NPRM	07/28/06	71 FR 42770
NPRM Comment Period End	09/26/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC02

122. 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 Period End	04/24/06	71 FR 14828
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC03

123. 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	11/16/06	71 FR 66698
NPRM Comment Period End	01/16/07	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC04

124. 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	07/28/06	71 FR 42761
NPRM Comment Period End	09/26/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0563-AC05

USDA—FCIC

Final Rule Stage

125. COMMON CROP INSURANCE REGULATIONS, MILLET 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 the proposed rule is to solicit public comments on FCIC's proposed action to amend the

Millet Crop Insurance Provisions to remove the reduction in indemnity for any unharvested millet acreage and revise the end of the insurance period dates to use only one date rather than dual dates.

Timetable:

Action	Date	FR Cite
NPRM	12/27/06	71 FR 77628
NPRM Comment Period End	02/26/07	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann, Director, Product Development Branch, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133
Phone: 816 926-7743**RIN:** 0563-AC12

Department of Agriculture (USDA)

Completed Actions

Federal Crop Insurance Corporation (FCIC)

126. COMMON CROP INSURANCE REGULATIONS, WALNUT CROP INSURANCE PROVISIONS; ALMOND CROP INSURANCE PROVISIONS**Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	03/12/07	72 FR 10908

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann
Phone: 816 926-7743**RIN:** 0563-AC08**127. COMMON CROP INSURANCE REGULATIONS, NURSERY CROP PROVISIONS, NURSERY PEAK INVENTORY ENDORSEMENT AND NURSERY REHABILITATION ENDORSEMENT****Priority:** Routine and Frequent**CFR Citation:** 7 CFR 457**Completed:**

Reason	Date	FR Cite
Final Action	12/12/06	71 FR 74455
Final Action Effective	01/11/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Hoffmann
Phone: 816 926-7743**RIN:** 0563-AC13**BILLING CODE 3410-08-S**

Department of Agriculture (USDA)

Prerule Stage

Grain Inspection, Packers and Stockyards Administration (GIPSA)

128. • REQUEST FOR PUBLIC COMMENT ON THE UNITED STATES STANDARDS FOR SOYBEANS**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 71 to 87K**CFR Citation:** 7 CFR 810**Legal Deadline:** None**Abstract:** GIPSA is initiating a review of the United States Standards for Soybeans to determine their effectiveness and responsiveness to current grain industry needs. Numerous

changes have occurred in the breeding and production practices of soybeans, as well as in the technology used to harvest, process, and test soybeans, and in the marketing practices of soybeans. As a result, soybean producer groups have asked us to initiate a review of the soybean standards.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** H. Tess Butler, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov**RIN:** 0580-AA96

Department of Agriculture (USDA)

Proposed Rule Stage

Grain Inspection, Packers and Stockyards Administration (GIPSA)

129. PROCESS VERIFICATION SERVICE AND ASSOCIATED FEES**Priority:** Other Significant**Legal Authority:** 7 USC 1627**CFR Citation:** 7 CFR 868.31**Legal Deadline:** None**Abstract:** GIPSA is proposing to establish a process verification service

for grain, rice, pulses, and related processed commodities and associated user fees under the authority of the AMA of 1946. This service is being

USDA—GIPSA

Proposed Rule Stage

proposed to provide United States Agriculture assistance in facilitating the marketing of grain and similar commodities. GIPSA also proposes to remove regulations which prohibit crop year, variety, and origin statements because the process verification program could serve as an industry tool for identifying these traits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

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

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

RIN: 0580-AA85

130. UNITED STATES STANDARDS FOR ROUGH RICE; UNITED STATES STANDARDS FOR BROWN RICE FOR PROCESSING; AND UNITED STATES STANDARDS FOR MILLED RICE

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 1627**CFR Citation:** 7 CFR 868**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

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

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

RIN: 0580-AA94

131. ● POULTRY CONTRACTS; INITIATION, PERFORMANCE, AND TERMINATION

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 221**CFR Citation:** 9 CFR 201**Legal Deadline:** None

Abstract: GIPSA is modifying its regulations to include better understanding by poultry growers of the requirements of the contracts prior to entering them, which could lead to better performance in raising the birds, fewer complaints, and fewer financial problems for poultry growers.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

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

Agency Contact: H. Tess Butler, Regulatory Liaison, Department of

Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-7486
Fax: 202 690-2755
Email: h.tess.butler@usda.gov

RIN: 0580-AA98

132. ● WEIGHING; FEED AND SWINE CONTRACTORS

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 221**CFR Citation:** 9 CFR 201**Legal Deadline:** None

Abstract: GIPSA is modifying regulations that will require all personnel weighing feed to acknowledge that they have read and understand the instructions for weighing live poultry and feed. Because they will read the instructions and affirm their understanding of the instructions, the weighing process will be more accurate.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

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

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

RIN: 0580-AA99

Department of Agriculture (USDA)

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Final Rule Stage

133. UNITED STATES STANDARDS FOR SORGHUM

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 71 87k**CFR Citation:** 7 CFR 810**Legal Deadline:** None

Abstract: GIPSA is revising the United States Standards for Sorghum. GIPSA

is amending the grain standards to change the definitions of sorghum classes by deleting references to tannin and adding language referencing the presence or absence of a pigmented test. GIPSA is amending the grain standards to change the definition of nongrain sorghum by removing sorghum-sudangrass hybrids, sorgrass, and sweet sorghum (sorgo), and adding

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

USDA—GIPSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/29/06	71 FR 15633
NPRM Comment Period End	05/30/06	
Final Action	05/00/07	

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

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

RIN: 0580-AA91**134. CLEAR TITLE PROGRAM; TECHNICAL CHANGES****Priority:** Info./Admin./Other**Legal Authority:** 7 USC 1631; 7 CFR 2.22 and 2.81**CFR Citation:** 9 CFR 205**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/27/06	71 FR 56338
Interim Final Rule Comment Period End	11/27/06	
Final Action	05/00/07	

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

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

RIN: 0580-AA93**135. OFFICIAL FEES AND TOLERANCES FOR BARLEY PROTEIN TESTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 7187k**CFR Citation:** 7 CFR 800, 801**Legal Deadline:** None

Abstract: GIPSA is adopting as a final rule, without change, an interim rule that previously extended the official inspection program to include testing of barley protein using near-infrared spectroscopy analyzers that were previously approved for different grains, established in the fee schedule a generic fee for all near-infrared measurements and nuclear magnetic resonance analyses, which is identical to existing fees. Also, we amended the regulations under the United States Grain Standards Act to establish performance tolerances for protein analyzers used to predict the percentage of protein in barley.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/06	71 FR 65371
Interim Final Rule Effective	11/09/06	
Interim Final Rule Comment Period End	01/08/07	
Final Action	04/00/07	

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

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

RIN: 0580-AA95**136. RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 228(a)**CFR Citation:** 7 CFR 2.22 and 2.81**Legal Deadline:** None

Abstract: This document amends chapter 2 of title 9 CFR to provide Supplemental Rules of Practice that will provide a mechanism for settling cases without the institution of formal proceedings.

Timetable:

Action	Date	FR Cite
Final Action	04/00/07	

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

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

RIN: 0580-AA97

Department of Agriculture (USDA)

Completed Actions

Grain Inspection, Packers and Stockyards Administration (GIPSA)

137. FEES FOR RICE INSPECTION SERVICE**Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 868**Completed:**

Reason	Date	FR Cite
Final Action	01/17/07	72 FR 1913

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

USDA—GIPSA

Completed Actions

Agency Contact: H. Tess Butler
Phone: 202 720-7486
Fax: 202 690-2755

Email: h.tess.butler@usda.gov
RIN: 0580-AA92
BILLING CODE 3410—EN—S

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

Proposed Rule Stage

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

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 253; 7 CFR 254

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

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

Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD12

139. 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 participating in qualifying afterschool programs located in the seven States may receive free suppers. To qualify, afterschool care programs must be located in low-income areas, provide care to children, and have an educational or enrichment purpose. (01-007)

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

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

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

RIN: 0584-AD15

140. 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	03/00/08	
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

RIN: 0584-AD25

USDA—FNS

Proposed Rule Stage

141. FSP: REVISIONS TO BONDING REQUIREMENTS FOR VIOLATING RETAIL AND WHOLESALE FOOD CONCERNS**Priority:** Other Significant**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	03/13/07	72 FR 11291
NPRM Comment Period End	05/14/07	
Final Action	01/00/08	

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

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

RIN: 0584-AD44**142. 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 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	03/00/08	
NPRM Comment Period End	06/00/08	
Final Action	06/00/09	

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

Agency Contact: Sharon Ackerman, 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-AD48**143. 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	10/00/07	
NPRM Comment Period End	01/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** 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-AD59

144. 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	11/00/07	
NPRM Comment Period End	01/00/08	
Final Action	01/00/09	
Final Action Effective	02/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: This action consolidates two previous actions: the FMNP Funding Formula Rule, RIN 0584-AD41 (withdrawn in the spring 2005 agenda), and the Implementation of the FMNP Provisions Included in the Child Nutrition and WIC Reauthorization Act of 2004, RIN 0584-AD46 (withdrawn from the fall 2004 agenda).

URL For More Information:

www.fns.usda.gov/wic

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

Email: sheri.ackerman@fns.usda.gov

Related RIN: Merged with 0584-AD41

RIN: 0584-AD74

145. 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.

USDA—FNS

Proposed Rule Stage

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	06/00/07	
Final Action	04/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0584-AD78

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

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 612(c), 612c note, 1431, 1431b, 1431e, 1431 note, 1446a-1, 1859, 2014, 2025; 15 USC 713c; 22 USC 1922; 41 USC 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180

CFR Citation: 7 CFR 250; 7 CFR 251.4

Legal Deadline: None

Abstract: The rule would amend current regulations in 7 CFR part 250

to ensure the safe storage and management of donated foods and their efficient and cost-effective distribution, while reducing reporting and administrative requirements currently imposed on distributing agencies. Specifically, the rule would propose to:

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

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

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

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

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

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

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

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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

RIN: 0584-AD81

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

Final Rule Stage

147. DISQUALIFIED RECIPIENT REPORTING AND COMPUTER MATCHING REQUIREMENTS THAT AFFECT THE FOOD STAMP PROGRAM

Priority: Other Significant

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

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/08/06	71 FR 71075
NPRM Comment Period End	02/06/07	
Final Action	02/00/08	
Final Action Effective	05/00/08	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

USDA—FNS

Final 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

148. 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	03/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AC24

149. 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

Action	Date	FR Cite
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	02/00/08	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
 Phone: 703 305-2246
 Fax: 703 605-0220
 Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AC37

150. NATIONAL SCHOOL LUNCH PROGRAM: REIMBURSEMENT FOR SNACKS IN AFTERSCHOOL CARE PROGRAMS

Priority: Other Significant

Legal Authority: PL 105-336

CFR Citation: 7 CFR 210; 7 CFR 235; 7 CFR 245

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

USDA—FNS

Final 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-AC72

151. 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	

Action	Date	FR Cite
Interim Final Rule	12/24/02	
Comment Period End		
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AC94

152. AFTERSCHOOL SNACKS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM

Priority: Other Significant

Legal Authority: PL 105-336

CFR Citation: 7 CFR 226

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/11/00	65 FR 60502
NPRM Comment Period End	01/09/01	
Final Action	04/00/07	
Final Action Effective	05/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD27

153. 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 Period End	06/15/04	
Final Action	06/00/07	
Final Action Effective	08/00/07	

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
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD30

154. 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

USDA—FNS

Final Rule Stage

Abstract: This rule finalizes the interim rule “Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171” (published October 16, 2003 at 68 FR 59519) and the proposed rule “Discretionary Quality Control Provisions of Title IV of Public Law 107-171” (published September 23, 2005 at 70 FR 55776).

The following quality control (QC) provisions required by sections 4118 and 4119 of the Farm Security and Rural Investment Act of 2002 (title IV of Public Law 107-171) and contained in the interim rule are implemented by this final rule:

- 1) Timeframes for completing quality control reviews;
- 2) Timeframes for completing the arbitration process;
- 3) Timeframes for determining final error rates;
- 4) The threshold for potential sanctions and time period for sanctions;
- 5) The calculation of State error rates;
- 6) The formula for determining States' liability amounts;
- 7) Sanction notification and method of payment; and
- 8) Corrective action plans.

The following provisions required by sections 4118 and 4119 and additional policy and technical changes, and contained in the proposed rule, are implemented by this final rule:

Legislative changes based on or required by sections 4118 and 4119:

- 1) Eliminate enhanced funding;
- 2) Establish timeframes for completing individual quality control reviews; and
- 3) Establish procedures for adjusting liability determinations following appeal decisions.

Policy and technical changes:

- 1) Require State agency QC reviewers to attempt to complete review when a household refuses to cooperate;
- 2) Mandate FNS validation of negative sample for purposes of high performance bonuses;
- 3) Revise procedures for conducting negative case reviews;
- 4) Revise time frames for household penalties for refusal to cooperate with State and Federal QC reviews;
- 5) Revise procedures for QC reviews of demonstration and SSA processed cases;

6) Eliminate requirement to report variances resulting from Federal information exchange systems (FIX) errors;

7) Eliminate references to integrated QC; and

8) Update definitions section to remove out-dated definitions. (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	
NPRM	02/23/05	70 FR 55776
NPRM Comment Period End	12/22/05	
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State

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

Related RIN: Merged with 0584-AD37

RIN: 0584-AD31

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

Priority: Other Significant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This final rule amends the WIC regulations to clarify issues that have arisen subsequent to the publication of the WIC Food Delivery Systems final rule. It includes the following provisions: Allows the release of vendor information such as telephone numbers, e-mail/website addresses, store type, and whether the vendor has been disqualified; provides for an abbreviated administrative review when a State agency issues a civil money penalty in lieu of a reciprocal WIC disqualification; and

prohibits State agencies from requiring infant formula manufacturers to provide free formula or other items as part of their infant formula rebate solicitations and contracts. (02-013)

Timetable:

Action	Date	FR Cite
NPRM	07/27/05	70 FR 43332
NPRM Comment Period End	11/25/05	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

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

RIN: 0584-AD36

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

Priority: Other Significant

Legal Authority: 42 USC 1752

CFR Citation: 7 CFR 210, 215, 220

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

USDA—FNS

Final 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-AD38

157. DATA COLLECTION RELATED TO PARTICIPATION OF FAITH-BASED AND COMMUNITY ORGANIZATIONS**Priority:** Other Significant**Legal Authority:** EO 13279**CFR Citation:** 7 CFR 210; 7 CFR 220; 7 CFR 225; 7 CFR 226; 7 CFR 246; 7 CFR 247; 7 CFR 251**Legal Deadline:** None

Abstract: Executive Order 13279, which was signed on December 12, 2002, instructs Federal agencies, to the extent permitted by law, to collect data regarding the participation of faith-based and community-based organizations in social service programs that receive Federal financial assistance. This rulemaking authorizes the Secretary of Agriculture to require State agencies to collect and submit data to the Food and Nutrition Service that identifies the faith-based and community organizations that participate in the Federal nutrition assistance programs. This rulemaking adds requirements to the following programs: Special Supplemental Nutrition Program for Women, Infants and Children, National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, Commodity Supplemental Food Program, and the Emergency Food Assistance Program. The data collection effort ends 5 years after the effective date of the final rule. (04-001)

Timetable:

Action	Date	FR Cite
NPRM	03/03/06	71 FR 10914
NPRM Comment Period End	06/01/06	
Final Action	04/00/07	
Final Action Effective	05/00/07	

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

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD43

158. MANAGEMENT OF DONATED FOODS IN CHILD NUTRITION PROGRAMS, THE NUTRITION SERVICES INCENTIVE PROGRAM, AND CHARITABLE INSTITUTIONS**Priority:** Other Significant**Legal Authority:** Older Americans Act of 1965, as amended**CFR Citation:** 7 CFR 250.12, 250.19, 250.24, 250.40, 250.41; 7 CFR 250.42, 250.48, 250.49, 250.50**Legal Deadline:** None

Abstract: This final rule revises or clarifies requirements with respect to the distribution, management, and use of donated foods in child nutrition programs, the Nutrition Services Incentive Program, and by charitable institutions. Most significantly, it establishes specific requirements to ensure that school food authorities and other recipient agencies in child nutrition programs receive the value of all donated foods provided under contract with food service management companies to conduct the food service. It requires the food service management company to credit the recipient agency for donated foods received, through invoice reductions, refunds, or other means of crediting. The rule provides some flexibility in crediting for and use of donated foods by allowing the recipient agency to use donated food values other than the USDA purchase price and by allowing the food service management company to substitute donated foods with commercially purchased foods, with the exception of (1) donated ground beef and ground pork and (2) end products received from processors. (04-003)

Timetable:

Action	Date	FR Cite
NPRM	06/08/06	71 FR 33344
NPRM Comment Period Extended	08/03/06	71 FR 43992
NPRM Comment Period End	09/07/06	
Final Action	11/00/07	

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

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305-2246
Fax: 703 605-0220
Email: sheri.ackerman@fns.usda.gov
RIN: 0584-AD45

159. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): DISCRETIONARY WIC VENDOR PROVISIONS IN THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004, PUBLIC LAW 108-265**Priority:** Other Significant**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** Final, Statutory, December 2004.

Abstract: This rule proposes to amend regulations for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) by adding three requirements mandated by the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265, concerning retail vendors authorized by WIC State agencies to provide supplemental food to WIC participants in exchange for WIC food instruments. This rulemaking would require WIC State agencies to notify WIC-authorized retail vendors of an initial violation, for violations requiring a pattern of occurrences in order to impose a sanction, before documenting a subsequent violation unless notification would compromise an investigation. In addition, State agencies would maintain a list of State-licensed wholesalers, distributors, and retailers, and manufacturers registered with the Food and Drug Administration, and would require WIC-authorized retail vendors to purchase infant formula only from sources on the list. Further, State agencies would prohibit the authorization of or payments to WIC-authorized vendors that derive more than 50 percent of their annual food sales revenue ("above-50-percent vendors") and which provide incentive

items or other free merchandise except food or merchandise of nominal value to program participant customers unless the vendor provides the State agency with proof that the vendor obtained the incentive items or merchandise at no cost. The intent of these provisions is to, respectively, enhance due process for vendors; prevent defective infant formula from being consumed by infant WIC participants; and, prevent increased WIC food costs caused by above-50-percent vendors who provide incentive items to participants which ultimately are derived from the proceeds of WIC purchases. (04-007)

Timetable:

Action	Date	FR Cite
NPRM	08/01/06	71 FR 43371
NPRM Comment Period End	10/02/06	
Final Action	10/00/07	
Final Action Effective	11/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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

RIN: 0584-AD47

160. 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	11/00/07	
Interim Final Rule Effective	12/00/07	
Interim Final Rule Comment Period End	01/00/08	
Final Action	06/00/08	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

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

RIN: 0584-AD52

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

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235; 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	04/00/07	
Interim Final Rule Effective	05/00/07	
Interim Final Rule Comment Period End	10/00/07	
Final Action	07/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

USDA—FNS

Final Rule Stage

Email: sheri.ackerman@fns.usda.gov

RIN: 0584-AD54

162. 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	11/09/06	71 FR 65753
NPRM Comment Period End	01/08/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

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

RIN: 0584-AD58

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

Priority: Other Significant

Legal Authority: PL 108-265, sec 104

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 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 section 1309(2) of the Elementary and Secondary Education Act. The rule also requires phase-in of mandatory direct certification for children who are members of households receiving food stamps and continues discretionary direct certification for other categorically eligible children. (04-018)

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

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

Related RIN: Merged with 0584-AD62

RIN: 0584-AD60

164. VERIFICATION OF ELIGIBILITY FOR FREE AND REDUCED PRICED MEALS IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS

Priority: Other Significant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 210; 7 CFR 245

Legal Deadline: None

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

1. Local Educational Authorities (LEAs) verify the eligibility of children in a sample of approved free and reduced-price school meal applications. The basic sample size would be the lesser of 3 percent of all approved applications (as of October 1 of the school year) selected from error-prone applications or 3,000 approved error-prone applications. Error-prone applications would be those defined as within \$100 a month or \$1200 annually of the applicable income limit or, alternately, under criteria set by USDA. However, local educational agencies could choose 1 of 2 alternate sample sizes (effectively the options established in current regulations) if:
 - Their nonresponse rate for the preceding school year is less than 20 percent, or
 - For a local educational agency with more than 20,000 children approved by application as eligible for free or reduced-price school meals as of October 1, their nonresponse rate for the preceding school year is improved by 10 percent from the nonresponse rate for the second preceding school year.

A nonresponse rate is the percentage of approved household applications for which verification information has not been obtained by a LEA. 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

USDA—FNS

Final Rule Stage

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	06/00/07	
Interim Final Rule Effective	07/00/07	
Interim Final Rule Comment Period End	06/00/08	
Final Action	02/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

RIN: 0584-AD61

165. 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	07/00/07	
Interim Final Rule Effective	08/00/07	
Interim Final Rule Comment Period End	10/00/07	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

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

RIN: 0584-AD65

166. 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	09/00/07	
Interim Final Rule Effective	10/00/07	
Interim Final Rule Comment Period End	02/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

RIN: 0584-AD70

USDA—FNS

Final Rule Stage

167. 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	

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

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-AD71**168. WIC: IMPLEMENTATION OF THE NONDISCRETIONARY WIC CERTIFICATION AND GENERAL ADMINISTRATION PROVISIONS****Priority:** Other Significant**Legal Authority:** 42 USC 1786**CFR Citation:** 7 CFR 246**Legal Deadline:** None

Abstract: This final rule implements the nondiscretionary WIC provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265). It contains provisions that address the following aspects of WIC Program administration and operation:

1.Expansion of definitions of “nutrition education” and “supplemental foods”

2.Infant formula rebate contracts

— Adds new definitions (“State alliance” and “primary contract infant formula”)

— Limits the size of State alliances — Requires State agencies to use primary contract infant formula as the first choice of issuance

— Allows State agencies to round up to the next whole can of infant formula as part of the prescribed food package

— Requires uncoupling of bids for milk- and soy-based infant formula in certain rebate solicitations

— Requires that bid solicitations require manufacturers to make a cent-for-cent increase or decrease in rebate amounts to match changes in national wholesale prices occurring subsequent to the bid opening

— Requires a State agency to have a system to ensure that rebate invoices provide a reasonable estimate or actual count of the number of units sold in the program

3.Program eligibility

— Provides additional exceptions to the physical presence requirement

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

4.Food delivery systems

— Requires State agencies to allow participants to receive supplemental foods from any of the authorized stores under retail food delivery systems

— Requires the State plan to include a description of the State agency’s procedures for accepting and processing vendor applications outside the established timeframes

— Prohibits a State agency from imposing the cost of electronic benefit transfer equipment, systems, or processing on retail vendors

5.Funding and financial management

— Increases State agency carry-forward authority for nutrition services and administration funds from 1 percent to 3 percent

— Allows State agencies to use funds recovered through local agency claims in the same way that it uses funds recovered from vendors and participants. (04-006)

Timetable:

Action	Date	FR Cite
Final Action	09/00/07	
Final Action Effective	10/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** This rule was initially assigned RIN 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

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-AD73**169. REVISIONS AND CLARIFICATIONS IN REQUIREMENTS FOR THE PROCESSING OF DONATED FOODS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 7 USC 612d, 612c note; 7 USC 1431, 1431b,

USDA—FNS

Final Rule Stage

1431e, 1431 note, 1446a–1, 1859, 2014, 2025; 15 USC 713c; 22 USC 1922; 42 USC 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180

CFR Citation: 7 CFR 250.3, 250.13, 250.16, 250.17, 250.18; 7 CFR 250.19, 250.24, 250.30

Legal Deadline: None

Abstract: This final rule requires 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 is 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 are still required to enter into State Participation Agreements (SPA) to sell end products in the State and to meet other State-specific processing requirements. The revisions will 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 final rule also revises other processing requirements to reduce the paperwork burden and workload and to more fully integrate donated foods with commercial business practices. It revises 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, the rule rewrites and restructures processing regulations in a "plain language" format to make them easier to understand for the general public. (05-005)

Timetable:

Action	Date	FR Cite
NPRM	08/24/06	71 FR 50250
NPRM Comment Period End	11/22/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

Agency Contact: Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302
Phone: 703 305–2246
Fax: 703 605–0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584–AD76

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

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: 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 packages; 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	08/07/06	71 FR 44784
NPRM Comment Period End	11/06/06	
Interim Final Rule	09/00/07	
Interim Final Rule Effective	10/00/07	
Interim Final Rule Comment Period End	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

URL For More Information:

www.fns.usda.gov/wic

URL For Public Comments:

www.fns.usda.gov/wic

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

Phone: 703 305–2246

Fax: 703 605–0220

Email: sheri.ackerman@fns.usda.gov

RIN: 0584–AD77

171. 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

USDA—FNS

Final Rule Stage

Legal Deadline: None

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

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

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

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

recommendations of the Department of 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	07/00/07	

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

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

RIN: 0584-AD79

172. SCHOOL BREAKFAST PROGRAM: SEVERE NEED ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 220

Legal Deadline: None

Abstract: Prior to the interim rule, in order to receive the higher severe need School Breakfast Program reimbursements, schools must have served 40 percent plus of their lunches free or at a reduced price in the second preceding year and must document their costs. They received the lesser of their documented costs or the severe need rate.

In response to Public Law 108-265, which amended the Child Nutrition Act of 1966, 7 CFR 220, the School Breakfast Program's regulations, is revised to remove the requirement to document costs. This rule also revises the regulations to require that the Secretary determine how schools without a second preceding year history may qualify for severe need reimbursements. (04-008)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/05	70 FR 66247
Interim Final Rule Effective	12/02/05	
Interim Final Rule Comment Period End	05/01/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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

Related RIN: Duplicate of 0584-AD50

RIN: 0584-AD82

173. MARKETING AND SALE OF FLUID MILK IN SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-265

CFR Citation: 7 CFR 210

Legal Deadline: None

USDA—FNS

Final Rule Stage

Abstract: Public Law 108-265 amended the Richard B. Russell National School Lunch Act to prohibit schools from directly or indirectly restricting the sale or marketing of fluid milk products on school premises or at school sponsored events at any time or any place. This amendment was in response to procurement contracts that limited the types of products that schools could sell outside of the reimbursable meal programs. This rule finalizes the incorporation of that requirement into

the regulations governing the National School Lunch Program. (04-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/05	70 FR 70031
Interim Final Rule Effective	12/21/05	
Interim Final Rule Comment Period End	05/22/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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

Related RIN: Duplicate of 0584-AD57

RIN: 0584-AD83

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

Long-Term Actions

174. DISTRICT-WIDE USE OF PROVISIONS 2 AND 3

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 245

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/08	

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

RIN: 0584-AD51

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

Completed Actions

175. DISCLOSURE OF CHILDREN'S FREE AND REDUCED PRICE MEALS, AND FREE MILK ELIGIBILITY INFORMATION IN THE CHILD NUTRITION PROGRAMS

Priority: Other Significant

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 225; 7 CFR 226; 7 CFR 245

Completed:

Reason	Date	FR Cite
Final Action	03/12/07	72 FR 10885
Final Action Effective	04/11/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

RIN: 0584-AC95

176. SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)

Priority: Other Significant

CFR Citation: 7 CFR 249

Completed:

Reason	Date	FR Cite
Final Action	12/12/06	71 FR 74618
Final Action Effective	01/11/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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

RIN: 0584-AD35

BILLING CODE 3410-30-S

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

Proposed Rule Stage

177. 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. 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 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 findings of Salmonella in pasteurized egg products.

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, State

Federalism: Undetermined

Agency Contact: Victoria Levine, Program Analyst, Regulations and Petitions Policy Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-5627
 Fax: 202 690-0486
 Email: victoria.levine@fsis.usda.gov

RIN: 0583-AC58

178. 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' 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	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 205-0279

Email: robert.post@fsis.usda.gov

RIN: 0583-AC59

179. 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	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sally White, Director, International Equivalence Staff, Office of International Affairs, Department of Agriculture, Food Safety and Inspection Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-6400
 Fax: 202 720-6400
 Email: sally.white@fsis.usda.gov

Related RIN: Duplicate of 0583-AC92

RIN: 0583-AD01

180. 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

USDA—FSIS

Proposed Rule Stage

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	03/00/08	

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

Agency Contact: Wanda Haxton, Program Analyst, Regulations and Petitions Policy Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0299
Fax: 202 690-0486
Email: wanda.haxton@fsis.usda.gov

RIN: 0583-AD14**181. FOOD ALLERGEN LABELING FOR MEAT, POULTRY, AND EGG PRODUCTS****Priority:** Other Significant**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq**CFR Citation:** 9 CFR 317.2(f); 9 CFR 381.118; 9 CFR 590.411(c)**Legal Deadline:** None

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

The Agency recognizes that, in addition to the requirements FSIS has for

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	

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

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0279
Email: robert.post@fsis.usda.gov

RIN: 0583-AD22**182. DEFINITION OF VEAL****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	

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

Agency Contact: Jeffrey L. Brown, Program Analyst, Department of Agriculture, Food Safety and Inspection

Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-2096
Fax: 202 690-0486
Email: jeffrey.brown@fsis.usda.gov

RIN: 0583-AD23**183. • ELIGIBILITY OF CHILE TO EXPORT POULTRY AND POULTRY PRODUCTS TO THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 138f, 450; 21 USC 451 to 470**CFR Citation:** 9 CFR 381; 7 CFR 2.7, 2.18, 2.53**Legal Deadline:** None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to add Chile to the list of countries eligible to export poultry products to the United States (U.S.). In August 2005, Chile successfully completed the eligibility process for exporting poultry products to the U.S.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

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

Agency Contact: Sally White, Director, International Equivalence Staff, Office of International Affairs, Department of Agriculture, Food Safety and Inspection Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6400
Fax: 202 720-6400
Email: sally.white@fsis.usda.gov

RIN: 0583-AD25**184. • ADDITION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT POULTRY AND POULTRY PRODUCTS TO THE U.S.****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 7 USC 138f; 21 USC 450 to 470; 7 CFR 2.7, 2.18, 2.53**CFR Citation:** 9 CFR 381**Legal Deadline:** None

Abstract: Food Safety and Inspection Service (FSIS) is proposing to amend

USDA—FSIS

Proposed Rule Stage

the Poultry Product Inspection Regulations to add the People's Republic of China to the List of Countries Eligible to Export Poultry and Poultry Products to the U.S.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Sally White, Director, International Equivalence Staff, Office of International Affairs, Department of Agriculture, Food Safety and Inspection

Service, Room 2137, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6400
Fax: 202 720-6400
Email: sally.white@fsis.usda.gov

RIN: 0583-AD27

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

Final Rule Stage

185. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS; CONTROL OF LISTERIA MONOCYTOGENES IN READY-TO-EAT 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, and measures, including testing, to control Listeria monocytogenes in RTE 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

Action	Date	FR Cite
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	
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	
Affirmation of Interim Final Rule	06/00/07	
Final Action	03/00/08	

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
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AC46

186. 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	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0279

USDA—FSIS

Final Rule Stage

Email: robert.post@fsis.usda.gov

RIN: 0583-AC60

187. FOOD STANDARDS; GENERAL PRINCIPLES AND FOOD STANDARDS MODERNIZATION

Priority: Other Significant

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

CFR Citation: 9 CFR 410; 21 CFR 130

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/20/05	70 FR 29214
NPRM Comment Period End	08/18/05	
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0279
Email: robert.post@fsis.usda.gov

RIN: 0583-AC72

188. PETITIONS FOR RULEMAKING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553

CFR Citation: 9 CFR 392

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AC81

189. CLASSES OF POULTRY UPDATING POULTRY CLASS STANDARDS

Priority: Other Significant

Legal Authority: 21 USC 451

CFR Citation: 9 CFR 381.170(a)

Legal Deadline: None

Abstract: FSIS will amend the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of age and sex of the bird. Genetic improvements and new poultry management techniques have reduced the grow-out period for some poultry classes while extensive cross breeding has produced poultry with higher meat yields but

blurred breed distinctions. This action is being taken to ensure that poultry products are labeled in a truthful and non-misleading manner. The rule will update existing regulations to reflect current poultry characteristics and production practices. Therefore, the impact on the poultry industry is expected to be minimal.

Timetable:

Action	Date	FR Cite
NPRM	09/29/03	68 FR 55902
NPRM Comment Period End	02/09/04	
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0279
Email: robert.post@fsis.usda.gov

RIN: 0583-AC83

190. 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

USDA—FSIS

Final Rule Stage

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 Comment Period End	05/07/04	
Interim Final Rule Amendment	07/07/05	70 FR 53043
Interim Final Rule Amendment Comment Period End	10/07/05	
Final Action	03/00/08	

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
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AC88**191. 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 Comment Period End	05/07/04	
Final Action	03/00/08	

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
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

Related RIN: Duplicate of 0583-AC51**RIN:** 0583-AD00**192. PROHIBITION ON THE USE OF AIR-INJECTION STUNNERS FOR THE SLAUGHTER OF CATTLE****Priority:** Other Significant**Legal Authority:** Federal Meat Inspection Act, 21 USC 601(m), 621**CFR Citation:** 9 CFR 313**Legal Deadline:** None

Abstract: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to prohibit the use of penetrative captive bolt stunning devices that deliberately inject air into the cranial cavity of cattle. This rulemaking responds to the findings of a risk assessment on bovine spongiform encephalopathy (BSE) conducted by the Harvard Center for Risk Analysis (referred to as the Harvard study) and is part of a series of actions that the USDA is taking to strengthen its BSE prevention programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/04	69 FR 1885
Interim Final Rule Comment Period End	05/07/04	
Final Action	03/00/08	

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

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

USDA—FSIS

Final Rule Stage

Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-0495
 Fax: 202 401-1760
 Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AD03

193. ACCREDITED LABORATORY PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 9 CFR 318, 381, and 439

Legal Deadline: None

Abstract: The rule revises, edits, and consolidates provisions to establish standards and procedures for the accreditation of non-Federal analytical chemistry laboratories. FSIS is amending the regulations to accommodate more readily the adoption of newer methods for analyzing an expanded number of chemical residues and to correct some factual data. In addition, FSIS is making other editorial changes to reflect Agency reorganizations and program changes since a rule was published in 1993. This rule also consolidates the regulations, now in two parts, into a single part, 9 CFR part 439.

Timetable:

Action	Date	FR Cite
NPRM	01/17/06	71 FR 2483
NPRM Comment Period End	03/20/06	
Final Action	12/00/07	

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
 Phone: 202 205-0495
 Fax: 202 401-1760
 Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AD09

194. 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) has proposed 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 has proposed 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 Period End	06/11/06	71 FR 27211
Final Action	03/00/08	

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
 Phone: 202 720-2709
 Fax: 202 720-2025
 Email: philip.derfler@fsis.usda.gov

RIN: 0583-AD10

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

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/28/06	71 FR 15340
NPRM Comment Period End	05/30/06	
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Post Ph.D., Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 205-0279
 Email: robert.post@fsis.usda.gov

RIN: 0583-AD17

196. ALLOWING BAR-TYPE CUT TURKEY OPERATIONS TO USE J-TYPE CUT MAXIMUM LINE SPEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381.68

Legal Deadline: None

Abstract: FSIS has proposed to amend the Federal poultry products inspection regulations to provide that turkey slaughter establishments that open turkey carcasses with Bar-type cuts may operate at the maximum line speeds established for J-type cuts, if the

USDA—FSIS

Final Rule Stage

establishment uses the specific type of shackle described in this proposed rule. Under this proposed rule, as under current regulations, the inspector in charge will reduce line speeds when, in his or her judgment, the prescribed inspection procedure cannot be adequately performed within the time available because of the health conditions of a particular flock or because of other factors. Such factors include the manner in which birds are being presented to the inspector for inspection and the level of contamination among the birds on the line.

Timetable:

Action	Date	FR Cite
NPRM	09/09/05	70 FR 53582
NPRM Comment Period End	12/08/05	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AD18

197. • ANTE-MORTEM INSPECTION OF HORSES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1622, 1624; 21 USC 601 et seq

CFR Citation: 9 CFR 352

Legal Deadline: None

Abstract: FSIS published an interim final rule to amend 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/08/06	71 FR 6337
Interim Final Rule Comment Period End	03/10/06	
Interim Final Rule Effective	03/10/06	
Final Action	12/00/07	

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
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AD26

Department of Agriculture (USDA)

Completed Actions

Food Safety and Inspection Service (FSIS)

198. PERFORMANCE STANDARDS FOR PUMPED OR MASSAGED BACON

Priority: Other Significant

CFR Citation: 9 CFR 424.22(b)

Completed:

Reason	Date	FR Cite
Withdrawn—The rule is not likely to be published in the Federal Register by March 2008.	02/28/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Daniel L. Engeljohn
Phone: 202 205-0495
Fax: 202 401-1760
Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AC49

199. FOOD DEFENSE PLANS

Priority: Other Significant

CFR Citation: 9 CFR 420

Completed:

Reason	Date	FR Cite
Withdrawn—The rule is not likely to be published in the Federal Register by March 2008.	03/01/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Jeffrey L. Brown
Phone: 202 720-2096
Fax: 202 690-0486
Email: jeffrey.brown@fsis.usda.gov

RIN: 0583-AD06

200. EXPORT PRODUCT DEVIATIONS FROM LABELING REQUIREMENTS AND INGREDIENT RESTRICTIONS

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 318.8

Completed:

Reason	Date	FR Cite
Withdrawn—The rule is not likely to be published in the Federal Register by March 2008.	02/28/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daphne Brown
Phone: 202 720-5627
Fax: 202 690-0486
Email: daphne.brown@fsis.usda.gov

RIN: 0583-AD24

BILLING CODE 3410-DM-S

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Final Rule Stage
201. NEW PROVISIONS AND REVISIONS TO SUGAR RE-EXPORT PROGRAMS
Priority: Other Significant**Legal Authority:** 19 USC 1202; 19 USC 3314**CFR Citation:** 7 CFR 1530**Legal Deadline:** None

Abstract: This regulation governs the importation of world price sugar and its subsequent use as a refined re-export, product ingredient, or input into the production of polyhydric alcohols. The proposed amendments and/or modifications are principally aimed at reorganizing and simplifying the complexity of the current regulation; clarifying certain definitions, including the coverage of beet and cane sugar; extending the scope of the regulation to specially include toll operations, which was inadvertently omitted; and implementing Mexico-NAFTA legal commitments. The proposed action will provide for increased operational efficiencies and promote the Government's objectives regarding regulatory simplification.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/03	68 FR 23230
ANPRM Comment Period End	06/02/03	
NPRM	01/21/05	70 FR 3150
NPRM Comment Period End	03/22/05	
Final Action	06/00/07	

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

Agency Contact: Tamoria S. Thompson-Hall, Budget Analyst, Department of Agriculture, Foreign Agricultural Service, Room 6083-S, MS 1028, 1400 Independence Avenue SW, Washington, DC 20250-1028
 Phone: 202 690-1690
 Email: tammy.thompson@usda.gov

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

RIN: 0551-AA65**202. QUALITY SAMPLES PROGRAM**

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

Legal Authority: 44 USC 3501; 15 USC 714**CFR Citation:** 7 CFR 1483**Legal Deadline:** None

Abstract: Rule proposes to establish regulations applicable to the Quality Samples Program (QSP), currently authorized by section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f). This proposed rule would codify existing

guidelines. The rule would provide specific regulations concerning program administration. Significant provisions include program objectives and priorities, eligible organizations, qualification requirements, application and review processes, reimbursement rules and procedures, financial reporting and program evaluation requirements, and program controls.

Timetable:

Action	Date	FR Cite
NPRM	08/03/06	71 FR 43992
NPRM Comment Period End	10/02/06	
Interim Final Rule	04/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

www.fas.usda.gov

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

RIN: 0551-AA68**BILLING CODE** 3410-10-S
Department of Agriculture (USDA)
Forest Service (FS)
Proposed Rule Stage
203. 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.

USDA—FS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Second NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0596-AA52**204. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 620 et seq**CFR Citation:** 36 CFR 223.200**Legal Deadline:** None

Abstract: This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 620a(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.). Section 620a(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in 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	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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

RIN: 0596-AB27**205. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 472; 16 USC 551**CFR Citation:** 36 CFR 212; 36 CFR 214; 36 CFR 215; 36 CFR 228; 26 CFR 241; 36 CFR 251; 36 CFR 254; 36 CFR 292**Legal Deadline:** None

Abstract: The Forest Service is publishing a proposed rule to revise the process by which certain parties can appeal decisions relating to authorizations for use and occupancy of National Forest System lands and resources. This proposed rule would create a new part 214 to replace regulations at 36 CFR part 251, subpart C. The Forest Service has a continuing commitment to review its regulations periodically, to identify specific problems in administering them, and to determine whether they meet agency and public needs. Experience with the procedures at 36 CFR part 251, subpart C, has shown that certain provisions in the rule consistently raise questions. Thus, the agency has identified a need to amend the procedures at 36 CFR part 251, subpart C, to correct and clarify aspects of the part 251 appeals process and its relationship to the amended appeal rule at 36 CFR part 215. Among specific changes being proposed are acknowledgement that this is the appropriate part for appeal of decisions related to locatable mining operations; making terminology consistent with part 215; establishing time frames for intervening, scheduling oral presentations or requesting stays; clarifying that decisions to deny permits for noncommercial group use are not subject to appeal, but rather are immediately subject to judicial review;

and making conforming technical revisions to 36 CFR parts 212, 215, 228, 241, 251, 254, and 292.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0596-AB45**206. 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

USDA—FS

Proposed Rule Stage

how the rule defines certain terms. To address those comments in this second proposed rule, the agency proposes to add a new section for definitions.

Timetable:

Action	Date	FR Cite
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	11/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AB61

207. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 620

CFR Citation: 36 CFR 223; 36 CFR 261

Legal Deadline: None

Abstract: This proposed rule for timber export and substitution restrictions would implement the provisions of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended in 1997. The proposed rule defines the certain terms necessary to facilitate uniform compliance; prohibits transfer of unprocessed private timber for export by a person who possesses or acquires unprocessed Federal timber; prohibits export of such unprocessed private timber by a third or successive party; prescribes procedures for reporting the acquisition and disposition of National Forest System (NFS) and private timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed NFS and private timber requiring domestic processing; and establishes procedures for assessing civil and criminal penalties and applying administrative remedies for violations of the Act, its

implementing regulations, and contracts subject to the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 0596-AB75

208. 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
NPRM	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN:

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

RIN: 0596-AB81

209. 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	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AB98

USDA—FS

Proposed Rule Stage

210. GRAZING PERMIT ADMINISTRATION (FSH 2209.13, CHAPTERS 10 AND 20)**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 5801**CFR Citation:** None**Legal Deadline:** None

Abstract: Updated national direction is needed to ensure the Agency is both current and consistent in working with grazing permittees in all Forest Service Regions. The Forest Service issued amendments to certain chapters and sections of Forest Service Manual (FSM) title 2200, Rangeland Management, and to all chapters of Forest Service Handbook (FSH) 2209.13, Grazing Permit Administration. The last substantive amendments to both FSM 2200 and FSH 2209.13 were made in 1985. Clarifications and adjustments in policy are necessary to respond to changing needs of both the Forest Service and the livestock industry and to make the Agency's policy current with legislation, court decisions, and agency management. The Forest Service has determined that two chapters in FSH 2209.13 require public notice and comment: Chapter 10, Permits With Term Status, and chapter 20, Grazing Agreements. Both chapters contain substantive changes to agency operating procedures that affect how the Forest Service does business with permittees, grazing associations, and applicants for livestock grazing authorizations.

Timetable:

Action	Date	FR Cite
Interim Directives	07/19/05	70 FR 41370
Comment Period End	08/20/05	
Proposed and Interim Directives	08/19/05	70 FR 48663
Comment Period End	12/19/05	
Notice—Previous Actions Withdrawn for Reconsideration	09/20/05	70 FR 55102
Proposed Directives	12/00/07	

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

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
Phone: 202 205-3610

Fax: 202 260-6539
Email: aweeks@fs.fed.us
RIN: 0596-AC12

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

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

Timetable:

Action	Date	FR Cite
Proposed Directive	02/00/08	

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

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

RIN: 0596-AC24**212. OUTFITTER AND GUIDE SPECIAL USE AUTHORIZATIONS (FOREST SERVICE HANDBOOK 2709.11, CHAPTER 30)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 497**CFR Citation:** None**Legal Deadline:** None

Abstract: The Forest Service is publishing a proposed agency directive to amend Forest Service Handbook 2709.11, section 37, regarding fees for outfitting and guiding special use authorizations. This action is being taken to improve administrative efficiency for the agency and reduce administrative burden to small business. For example: for minor concession uses, the proposed directive would revise the current fee system from one based on a percentage of gross revenue to a flat rate, thus reducing record keeping and audit requirements. Public comment is invited and will be considered in development of a final directive.

Timetable:

Action	Date	FR Cite
Proposed Directives	02/00/08	

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

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

Related RIN: Merged with 0596-AC50
RIN: 0596-AC25

213. 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.

USDA—FS

Proposed Rule Stage

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	04/02/07	72 FR 15641
NPRM Comment Period End	06/01/07	
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC30

214. REVISIONS TO GENERAL PROHIBITIONS REGARDING LIVESTOCK AND WILD FREE-ROAMING HORSES AND BURROS ON NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 222; 36 CFR 261.7; 36 CFR 261.21

Legal Deadline: None

Abstract: The Forest Service is proposing to revise the regulation governing the management of wild free-roaming horses and burros. This proposed action will incorporate into regulation new provisions for management of wild horses and burros enacted by the Fiscal Year 2005 Omnibus Appropriations Act (Pub. L. 108-447, Division E, title 1, section 142). This proposed action would also eliminate concerns raised by employees and others about inconsistencies in

Forest Service and Bureau of Land Management regulations on the management of wild horses and burros.

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC31

215. 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	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC38

216. LINEAR RIGHT-OF-WAY RENTAL PAYMENT SCHEDULE

Priority: Other Significant

Legal Authority: 42 USC 15801

CFR Citation: 36 CFR 251.57

Legal Deadline: NPRM, Statutory, August 8, 2006.

USDA—FS

Proposed Rule Stage

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

The Secretary of the Interior is also required by the Act to make these same revisions for rights-of-way on public lands administered by the Bureau of Land Management (BLM). The BLM published an advance notice of proposed rulemaking on April 27, 2006 (71 FR 24836).

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC48

217. FOREST SERVICE NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

Priority: Other Significant

Legal Authority: 40 CFR 1507.3

CFR Citation: 36 CFR 220

Legal Deadline: None

Abstract: The Forest Service is proposing to move existing Agency NEPA procedures required by 40 CFR 1507.3 from Forest Service Handbook 1909.15 to the CFR, add new procedures, and edit some existing procedures. Presently, Forest Service procedures are combined with Agency guidance in FSH 1909.15 along with quotations from the Council on Environmental Quality regulations. Having Agency NEPA procedures in regulations, separate from guidance, will make it easier for the Forest Service to provide guidance through the agency directive system. Agency internal processes will continue to reside in FSH 1909.15 with references to both CEQ and Forest Service NEPA procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC49

218. OUTFITTER AND GUIDE SPECIAL USE AUTHORIZATIONS (FOREST SERVICE HANDBOOK 2709.11, CHAPTER 40)

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1761 to 1771

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a proposed agency directive to amend Forest Service Handbook 2709.11, section 41.53, regarding the administration of outfitting and guiding special use authorizations. This action is being taken to simplify the application and administration process for temporary use permits; offer the same terms and conditions to

educational and institutional permit holders as to other types of permit holders; clarify policy for priority use permits governing performance, inspections, and allocation of use; and develop a process for allocation of use on a first-come, first-served basis for temporary use permits to facilitate greater participation in outfitting and guiding by youth, educational, and religious groups.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Related RIN: Split from 0596-AC25

RIN: 0596-AC50

219. GROUND WATER RESOURCE MANAGEMENT POLICY DIRECTION (FOREST SERVICE MANUAL, CHAPTER 2540 AND FOREST SERVICE HANDBOOK 2709.11)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 475; 16 USC 526

CFR Citation: None

Legal Deadline: None

Abstract: In recent years, the USDA Forest Service has been receiving an increasing number of inquiries and applications to access ground water resources on National Forest System lands nationwide. With the need for water expected to continue increasing in most areas of the country, it is likely this trend will persist. As a consequence, a need for national direction to ensure consistent and informed responses nationwide to ground water-related projects and proposals has been identified. This direction would amend the Forest Service Manual by adding section 2543 to chapter 2540 and adding provisions to the Forest Service Special Uses

USDA—FS

Proposed Rule Stage

Handbook 2709.11, chapters 10, 40, and 50. The new manual section: Clarifies Agency responsibilities with respect to ground water issues; provides direction for consideration of ground water resources in decisionmaking, including water-well and water-pipeline applications, siting of public water supplies, and implementation of source water protection programs on NFS lands; initiates a policy of quantifying ground water withdrawals from NFS lands; establishes ground water data management requirements; and promotes sustainable use of ground water resources. The new handbook provisions clarify implementation of the new manual direction for special uses activities involving ground water.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC51

220. FOREST SERVICE POLICY ON PARTNER, SPONSOR, AND DONOR RECOGNITION (FOREST SERVICE HANDBOOK 1509.14)

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

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

its donation acceptance authorities, while maintaining integrity, impartiality, and public confidence.

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

Timetable:

Action	Date	FR Cite
Proposed Directive	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC52

221. CATEGORICAL EXCLUSION FOR SKI AREA RESORT ACTIVITIES (FSH 1909.15, CHAPTER 30)

Priority: Other Significant

Legal Authority: 7 CFR 1b

CFR Citation: None

Legal Deadline: None

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

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

The current list of CEs in this handbook omits some activities that do not warrant additional analysis and therefore places an unnecessary cost burden on the Agency and ski area operators. The Agency will review past environmental analyses to determine the types of implementing projects that typically do not have significant effects. Examples may include lift replacement or modification, minor modification of existing ski trails and terrain, vegetation management, improving or replacing existing facilities, and minor construction within the permitted area.

Timetable:

Action	Date	FR Cite
Proposed Directive	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400

USDA—FS

Proposed Rule Stage

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

RIN: 0596-AC53

**222. THREATENED, ENDANGERED,
AND SENSITIVE (TES) SPECIES,
SPECIES-OF-CONCERN, HABITAT
MANAGEMENT, AND BIODIVERSITY
CONSERVATION (FSM 2670)**

Priority: Other Significant

Legal Authority: 16 USC 1531 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service proposed to revise Forest Service Manual 2670, Threatened, Endangered, and Sensitive (TES) Plants and Animals, to set forth direction to ensure compliance with existing laws, regulations, and de-facto Agency policies and to reflect current conservation biology, knowledge, management practices, and emerging ecosystem and TES species-related topics and issues.

This amendment is needed to: (1) Better guide forest plan compliance with the two National Forest Management Act (NFMA) planning rules on ecosystem and species conservation; (2) guide project level effects analysis and documentation for TES species; (3) modify objectives for TES species and habitat conservation; (4) modify policies for TES species and habitat conservation; (5) modify responsibilities assigned for TES species and habitat conservation; (6) correct several definitions related to TES species and habitat management; (7) correct cooperation procedures for TES species and habitat conservation; (8) update direction on sensitive species management; (9) set forth any direction needed for species-of-concern; (10) update direction on the recovery of T&E species; and (11) incorporate two 2006 Interim Directives on the 2005 NFMA Planning Rule and on grizzly bear management.

The proposed changes are expected to provide more effective implementation of the Endangered Species Act, the 1982 and 2005 NFMA planning regulations, and Agency strategies and policies for at-risk species and their habitats.

Timetable:

Action	Date	FR Cite
Proposed Directive	10/00/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC55

**223. PROCESSING APPLICATIONS
FOR WIND ENERGY DEVELOPMENT
ON NATIONAL FOREST SYSTEM
LANDS (FOREST SERVICE MANUAL
2720)**

Priority: Other Significant

Legal Authority: PL 109-58; EO 13212;
16 USC 472; 16 USC 4601(6a(c)); 7 USC
1011(f);

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is seeking comment on proposed policy that would govern the review and processing of applications for wind energy development on National Forest System land. This policy would address the internal agency process and responsibilities for: (1) Reviewing proposed wind energy plans of development, site plans, and operation plans; (2) issuing special use authorizations for site testing and monitoring (met towers); and (3) issuing special use authorizations for wind energy development in accordance with existing Forest Service regulations pertaining to special land uses set out at 36 CFR 251.54; as well as (4) determining the level of environmental analysis required for individual wind energy projects in accordance with the National Environmental Policy Act, Council of Environmental Quality regulations, and existing Forest Service environmental policy and procedures.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC61

**224. • SPECIAL AREAS;
STATE-SPECIFIC INVENTORIED
ROADLESS AREA MANAGEMENT:
IDAHO**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553(e); 7 CFR
1.28

CFR Citation: 36 CFR 294

Legal Deadline: None

Abstract: On October 5, 2006, the Governor of Idaho submitted a petition under the provisions of the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28) to promulgate regulations, in cooperation with the State, for management of 9.3 million acres of inventoried roadless areas within the State. After review and recommendation by the Roadless Area Conservation National Advisory Committee, the Secretary accepted the Governor's petition and initiated a proposed rulemaking for the roadless areas in Idaho. The proposed rulemaking would manage Idaho's inventoried roadless areas under four main themes listed from most restrictive to least: Wildland Recreation (1.4 million acres), Primitive (1.7 million acres), Backcountry (5.5 million acres), and General Forest (0.5 million acres). The proposed rulemaking also will establish three important tribal and historical sites as "Special Areas" (0.2 million acres). Road construction and reconstruction plus timber harvesting would be prohibited in certain inventoried roadless areas on the Boise, Caribou-Targhee, Clearwater, Idaho Panhandle, Kootenai (portions), Nez Perce, Payette, Salmon-Challis, Sawtooth, and Wallowa-Whitman (portions) National Forests in Idaho. Exceptions to the prohibitions would

USDA—FS

Proposed Rule Stage

be allowed for certain health, safety, valid existing rights, resource protection, and ecological management needs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Tribal

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

Related RIN: Related to 0596-AC58, Related to 0596-AC59, Related to 0596-AC60

RIN: 0596-AC62

225. • LAND MANAGEMENT PLANNING HANDBOOK, FOREST VEGETATION RESOURCE PLANNING (FSH 1909.12, CHAPTER 60)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC et seq; 5 USC 301

CFR Citation: None

Legal Deadline: None

Abstract: Makes minor changes on identifying lands generally suitable for timber production and long-term sustained-yield to FSH 1909.12—Land Management Planning Handbook, chapter 60—Forest Vegetation Resource Planning. The need for these changes is based on reviews of proposed land management plans under the 2005 planning rule. Changes include revising the category of lands generally not suitable for timber harvest from one general category into two subcategories: (1) Lands not suitable for timber harvest due to policy or physical and biological conditions and (2) timber harvest is not compatible with desired conditions and objectives. In addition, clarifies areas where timber harvest, including salvage, is prohibited by statute, Executive order, regulation, or policy. In addition, revises direction for estimating the long-term sustained-yield capacity (LTSYC) by clarifying that LTSYC must not be constrained by

current budgets. In addition, eliminates the unnecessary restriction that only the LTSYC for timber production lands (sec. 62.21) may be combined where a national forest has less than 200,000 acres of forest land on which timber production is identified as an objective.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC63

226. • PUBLICLY MANAGED RECREATION OPPORTUNITIES (FOREST SERVICE MANUAL (FSM) 2300, 2330, 2340)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 6801 to 6814; 16 USC 551

CFR Citation: None

Legal Deadline: None

Abstract: The USDA Forest Service is responsible for managing its recreation program in compliance with the agency's Organic Act (16 U.S.C. 551) and the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 to 6814). Therefore, the Forest Service proposes to amend Forest Service Manual (FSM) chapter 2300, which cites the authorities under which the Agency's recreation program operates, as well as the overarching objectives, policy, and responsibilities under those authorities. Changes would be made in FSM 2330, Publicly Managed Recreation Opportunities, to conform to the Federal Lands Recreation Enhancement Act and to clarify procedures for development of recreation sites on National Forest System lands. This proposed directive would assist Forest Service employees in consistently providing quality recreation sites, facilities, and customer service to the 192 million visitors each

year to the National Forests and National Grasslands. Additionally, corresponding changes would be made in FSM 2340, Privately Provided Recreation Opportunities.

Timetable:

Action	Date	FR Cite
Proposed Directive	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC64

227. • ADMINISTRATIVE ISSUANCES; INVOLVING THE PUBLIC IN THE FORMULATION OF FOREST SERVICE DIRECTIVES

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

Legal Authority: 7 CFR 2.7; 16 USC 1612(a)

CFR Citation: 36 CFR 200.4; 36 CFR 216

Legal Deadline: None

Abstract: The Forest Service Directive System codifies the agency's policy, practice, and procedure. It is the primary administrative basis for the internal management and control of all agency programs and the primary source of administrative direction to Forest Service employees. In accordance with Executive Order 13422, which revised E.O. 12866 on regulatory planning and review and OMB's recent issuance of a bulletin on good guidance practices, as well as recent litigation regarding the publication of Forest Service directives for comment prior to issuance, the Forest Service plans to revise its regulation at title 36, Code of Federal Regulations (CFR), at section 200.4, which describes the Forest Service administrative issuance system (the Directive System), its use and availability, and other types of permissible guidance. Title 36 CFR,

USDA—FS

Proposed Rule Stage

part 216, would also be revised to clarify when and how to involve the public in the formulation of Forest Service directives.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC65

228. • SPECIAL INTEREST AREAS (FSM 2360)

Priority: Substantive, Nonsignificant

Legal Authority: 36 CFR 294.1b

CFR Citation: None

Legal Deadline: None

Abstract: FSM 2360, Special Interest Areas including direction for the Heritage Resources Program, has not been amended since 1990. The Forest Service proposes to update FSM 2360, Special Interest Areas, to conform to the national Historic Preservation Act, and other applicable statutes, to clarify procedures for compliance with

requirements of the law(s) when operating on National Forest System lands, and to streamline consultation with State and tribal Historic Preservation Offices. This Manual revision will reduce process barriers and provide greater consistency across units of the Forest Service. Significant revision is required to bring the Manual and Handbook direction up to date, allowing the Agency to enter into Programmatic Agreements with State and tribal historic preservation offices, simplifying and shortening existing process cycle time.

Timetable:

Action	Date	FR Cite
Proposed Directive	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC67

229. • FOREST SERVICE STRATEGY FOR OPEN SPACE CONSERVATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service recognizes that it is not the only contributor to open space conservation and seeks to partner with others to address this issue. Therefore, the Forest Service plans to solicit public input on a draft strategy that outlines proposed next steps and priorities for the Agency on open space conservation. This strategy would help guide Agency actions to address the loss of open space threat, which was identified as one of four great threats facing our Nation's forests. This public input period follows a request for public input published in the Federal Register on November 12, 2006, and on December 14, 2006.

Timetable:

Action	Date	FR Cite
Notice	11/13/06	71 FR 66162
Comment Period Extended	12/14/06	71 FR 75228
Notice	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC68

**Department of Agriculture (USDA)
Forest Service (FS)****Final Rule Stage****230. SALE AND DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472a; 16 USC 551; 16 USC 618

CFR Citation: 36 CFR 223.30; 36 CFR 223.40; 36 CFR 223.116

Legal Deadline: None

Abstract: The Forest Service is issuing a final rule to revise current regulations regarding cancellation of timber sale contracts, permits, and other such

instruments authorizing the sale or harvest of timber or other forest products. This rule is needed to clarify when, why, and by whom contracts may be cancelled to remove redundant provisions and to provide a new formula for compensation when the Government must cancel timber sale contracts. The Forest Service takes every precaution before authorizing a particular activity on National Forest System lands to ensure that its authorization conforms with existing laws and with existing conditions on the ground at the time of the authorization. The current regulations

place an inappropriate amount of financial liability on the Forest Service when the agency must, for reasons of public policy, judicial decision, or statutory direction, cancel a timber sale contract or permit. The regulatory 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

USDA—FS

Final Rule Stage

of contractual changes or contract cancellations is critical to protecting the public's financial interests.

Timetable:

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0596-AB21

231. 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
Interim Final Rule	06/16/06	71 FR 34823
Interim Final Rule Comment Period End	08/15/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0596-AB70

232. 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
Interim Final Rule Comment Period End	04/08/04	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC15

233. 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

USDA—FS

Final Rule Stage

lifted to ensure the economic viability of the sale.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/04	69 FR 18813
Interim Final Rule Comment Period End	06/08/04	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC16

234. PREDATOR DAMAGE MANAGEMENT (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 final revisions to its directives on predator damage management in wilderness. Guidance to Forest officers in the management of predator damage in wilderness areas is contained in the Forest Service Manual (FSM) title 2300, Recreation, Wilderness, and Related Resources Management and FSM 2600, Wildlife, Fish, and Sensitive Plant Habitat Management. These revisions conform agency policy regarding predator damage management in wilderness with provisions in an interdepartmental Memorandum of Understanding (MOU) between the USDA Animal and Plant Health Inspection Service, Wildlife Services Division and the USDA Forest Service. The MOU, initiated in 1993, was renewed in 1998, and again in 2004, with minor revisions. The revisions also bring FSM 2320 into conformance with FSM 2650, which was revised in 1995 (60 FR 22037).

Timetable:

Action	Date	FR Cite
Proposed Directive	06/07/06	71 FR 32915
Comment Period Extended	08/08/06	
Comment Period End	09/07/06	
Final Directive	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC22

235. INTEGRATED RESOURCE CONTRACTS, FS-2400-13 AND FS-2400-13T (NOTICE OF FINAL CONTRACTS)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-7

CFR Citation: None

Legal Deadline: None

Abstract: Section 323 of Public Law 108-7, the Consolidated Appropriations Resolution (16 U.S.C. 2104 note) established special authorities for stewardship contracting not addressed in existing Forest Service timber sale contracts. In general, the new authorities provide for including service work in timber sale contracts and applying the value of timber or other forest products removed as an offset against the cost of services received. Integrated Resource Contracts FS-2400-13 and FS-2400-13T are being developed for use with stewardship end result contracting when the value of timber exceeds the cost of service work.

Except where they deviate to address the new authorities, the FS-2400-13 and FS-2400-13T contracts parallel recently revised timber sale contracts FS-2400-6 and FS-2400-6T, which became effective upon notice in the Federal Register on May 6, 2004 (69 FR 25367).

In order to fully implement the authorities under section 323 of Public Law 108-7, and because they are so similar to timber sale contracts FS-

2400-6 and FS-2400-6T, the Agency implemented interim use of the integrated resource contracts while public comments are being sought. Comments received will be considered in the development of the final contracts.

Timetable:

Action	Date	FR Cite
Notice of Interim Contracts	10/05/04	69 FR 59577
Comment Period End	11/04/04	
Notice of Final Contracts	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC26

236. 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-use policies that has delayed restoration projects and strained working relationships with State cooperators.

Therefore, the Forest Service is proposing that the regulations at 36

USDA—FS

Final Rule Stage

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 will produce an efficient and standardized national approach for the application of piscicides by State agencies on National Forest System lands while retaining the Forest Service's authority over such use.

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, the Endangered Species Act, and the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	11/16/06	71 FR 66715
NPRM Comment Period End	01/16/07	
Final Action	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC33

237. TRAVEL MANAGEMENT (FOREST SERVICE MANUAL 2300 AND 7700)

Priority: Substantive, Nonsignificant

Legal Authority: EO 11644; 36 CFR 212

CFR Citation: None

Legal Deadline: None

Abstract: The final regulation entitled "Travel Management; Designated

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

The 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	03/09/07	72 FR 10632
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC39

238. ADVERTISING AND SPONSORSHIP IN CONNECTION WITH CONCESSIONS INVOLVING PRIVATELY OWNED IMPROVEMENTS ON NATIONAL FOREST SYSTEM LANDS (FOREST SERVICE MANUAL 2340)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is publishing a final directive to Forest Service Manual 2343.03 regarding (1) advertising in concessions involving

privately developed facilities operated under special use authorization on National Forest System (NFS) lands and (2) sponsorship of new public services associated with those concessions. With respect to advertising, the current policy addresses only exterior advertising while the final directive adds direction to allow the permit holder to advertise inside buildings and other interior spaces owned by the holder. With respect to sponsorship, the final directive adds new direction on sponsorships that promote public participation in the management of NFS lands. The final directive describes the duration, location, and content of recognition of sponsors. Additionally, the final directive addresses special events and waives a prohibition on exterior advertising during a short-term event and requires the holder to not display the Forest Service shield or other Agency symbol in conjunction with product names, services, and advertising.

Timetable:

Action	Date	FR Cite
Interim Directive	11/25/05	70 FR 71081
Comment Period End	03/27/06	
Final Directive	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC41

239. NATIVE PLANT MATERIALS POLICY (FINAL 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 finalizing new directives at Forest Service Manual 2070, Native Plant Materials, which would address the uses of native plant materials in the

USDA—FS

Final Rule Stage

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 policy includes a requirement to collaborate with Federal, State, and local government entities and the public to develop and implement a program for native plant materials with emphasis on life forms beyond the current conifer effort.

Timetable:

Action	Date	FR Cite
Proposed Directive	05/26/06	71 FR 30375
Comment Period End	07/25/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Nona Jones, Department of Agriculture, Forest Service, MS 1135, ADM-1ST-D&R, Post Office Box 96090-808RPE, Washington, DC 20090-6090
Phone: 703 605-4927
Fax: 703 235-2337
Email: npjones@fs.fed.us

RIN: 0596-AC44

240. 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; Request for Comment	12/26/06	71 FR 77360
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC45

241. SMALL BUSINESS ADMINISTRATION TIMBER SALE SET-ASIDE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 36 CFR 223.118

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is proposing a revision of its policy procedures in Forest Service Handbook 2409.18, Timber Sale Preparation Handbook, chapter 90, Programs With Small Business Administration, to drop structural changes in the Forest Service Directives. This proposed revision would better reflect the current timber sale program, make the recomputation process as fair as possible, and simplify the process by which market share is

determined. This proposed policy change would not affect scheduled recomputations and special recomputations.

Timetable:

Action	Date	FR Cite
Proposed Directive	08/01/06	71 FR 43435
Comment Period End	10/02/06	
Comment Period Extended	09/29/06	71 FR 57462
Comment Period End	12/11/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC46

242. FOREST SERVICE NATIONAL TRAIL MANAGEMENT CLASSIFICATION SYSTEM (FINAL DIRECTIVE, FSM 2330)

Priority: Substantive, Nonsignificant

Legal Authority: 36 CFR 212

CFR Citation: None

Legal Deadline: None

Abstract: On July 3, 2006, the Forest Service published a Notice in the Federal Register for public comment on the Agency's proposed revisions to the National Trail Class Management System and Trail Design Parameters. The Forest Service uses this system to classify National Forest System Trails into 5 classes: Trail Class 1- Minimal/Undeveloped; Trail Class 2- Simple/Minor Development; Trail Class 3- Developed/Improved; Trail Class 4- Highly Developed; and Trail Class 5- Fully Developed. These trail classes are assigned to existing trails according to the physical characteristics of the trail. The Forest Service has an estimated 133,000 miles of National Forest System Trails. The National Trail Class System is an internal agency tool that local Forest Service managers use to designate trail classes at the field level. The Trail Design Parameters are used as the technical guidelines for trail

USDA—FS

Final Rule Stage

construction and maintenance. Both of these tools are used internally by the Forest Service and are part of the national processes for evaluating the condition and design of Forest Service trails. These tools are used by the Forest Service to consistently inventory and classify trails. The Trails Classification System does not have any on-the-ground environmental impacts.

Timetable:

Action	Date	FR Cite
Proposed Directive	07/03/06	71 FR 38021
Comment Period End	09/03/06	
Interim Directive; Request for Comment	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC47

243. SENSITIVE SPECIES AND ENDANGERED SPECIES ACT CONSULTATION FOR LAND MANAGEMENT PLANS (FOREST SERVICE MANUAL 2670)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service needs to issue an interim directive to clarify sensitive species and Endangered Species Act consultation management with the 2005 Planning Rule prior to the approval of the first Forest Land Management Plan (LMP) under the 2005 National Forest Management Act (NFMA) Planning Rule. The Agency anticipates that the first LMP will be approved in late summer or autumn of 2006. After consideration of comments, the direction subsequently would be issued in a comprehensive amendment to Forest Service Manual (FSM) 2670. Direction issued to sections FSM 2670.45 and FSM 2670.46 would add responsibilities for those Forest

Supervisors and District Rangers who prepare Land Management Plans under the 2005 National Forest Management Act (NFMA) Planning Rule. The interim directive would describe changes necessary because of the different mechanisms and procedures in the 2005 NFMA Planning Rule to accomplish the plant community diversity and other requirements of the NFMA, and because these mechanisms and procedures are intended to implement the 2005 NFMA Planning Rule rather than the 1982 Planning Rule. The new policy would read, "The provisions contained in the FSM 2670 that apply to sensitive species and to conducting a biological evaluation for Land Management Plan (LMP) decisions made under the 2005 Planning Rule, do not apply to that LMP, once the plan is approved." Direction issued to sections FSM 2670.45 and FSM 2670.46 would add responsibilities for those Forest Supervisors and District Rangers who prepare Land Management Plans under the 2005 National Forest Management Act (NFMA) Planning Rule. The change is necessary because, by themselves, such LMPs have no effect on listed species or designated critical habitat under the Endangered Species Act that can be meaningfully identified and evaluated. The new policy would state, "A forest that revises its Land Management Plan (LMP) under the 2005 NFMA Planning Rule is subject to its regulations at 36 CFR 219.10, and to direction in FSM 1921.73, Ecological Evaluation of Sustainability, and Forest Service Handbook 1909.12, Land Management Planning Handbook. As a result, there would be no basis to request an ESA section 7(a)(2) jeopardy consultation on the LMP. In addition, all provisions contained in FSM 2670 that refer to identifying effects of forest plans to endangered and threatened species, to not jeopardizing species, or to using section 7(a)(2) formal consultation, do not apply to the development, amendment, revision, or implementation of LMPs. Collaboration with the United States Fish and Wildlife Service and National Marine Fisheries Service under section 7(a)(1) on LMP programs for the conservation of endangered and threatened species would continue."

The proposed changes are expected to provide more effective implementation of the 1982 and 2005 NFMA planning regulations and a better field

understanding of applicable policies on these topics.

Timetable:

Action	Date	FR Cite
Interim Directive; Request for Comment	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC54

244. • LAND MANAGEMENT PLANNING HANDBOOK, LAND MANAGEMENT PLAN (FSH 1909.12, CHAPTER 10)

Priority: Substantive, Nonsignificant

Legal Authority: 36 CFR 219

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service plans to issue an interim directive to FSH 1909.12, chapter 10, which was last issued January 31, 2006, and in addition, plans to publish notice in the Federal Register of a 60-day comment period. There is an immediate need to issue interim direction in the Forest Service Handbook to aid consistent interpretation and application of the direction on land management planning by agency personnel.

The interim directive would make minor changes in the guidance for writing plan components, the monitoring program, and consideration of individual resources. The need for these changes is based on reviews of proposed land management plans under the 2005 planning rule. Specific changes include the guidance about writing desired conditions, objectives, and the suitability of areas. For desired conditions, guidance is needed to require additional specificity. For objectives, additional guidance is needed. For suitability of areas, guidance is needed to require general suitability of variety of multiple uses,

USDA—FS

Final Rule Stage

such as outdoor recreation, range, timber, watershed, or wildlife and fish purposes and not tools such as prescribed fire.

Timetable:

Action	Date	FR Cite
Interim Directive; Request for Comment	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0596-AC66

245. • SACRED SITES MANAGEMENT, TRIBAL GOVERNMENT RELATIONS (FSM 1560)

Priority: Substantive, Nonsignificant

Legal Authority: EO 13007

CFR Citation: None

Legal Deadline: None

Abstract: To implement Executive Order (E.O.) 13007, Indian Sacred Sites, the Forest Service is preparing policy for managing sites located on National Forest System lands that are held sacred by Native American tribes and individuals. This E.O. directs Federal agencies to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Agencies are instructed to, where appropriate, maintain the confidentiality of sacred sites.

The proposed policy also consolidates and incorporates the separate yet related aspects of the American Indian Religious Freedom Act (AIRFA), the National Historic Preservation Act (NHPA), the Religious Freedom Restoration Act (RFRA), the Native American Graves Protection and Repatriation Act (NAGPRA), and E.O. 13175 (Consultation and Coordination with Indian Tribal Governments).

The Forest Service plans to publish an interim directive to allow management of sacred sites in the spirit of E.O. 13007 while the final directive is being prepared. The interim directive will be published with request for comment in

the Federal Register, seeking feedback from the public and other government sources. At the same time, the Forest Service will actively conduct consultation with Native American Tribes. Comments received will be considered after Tribal consultations are complete, for inclusion in a final directive to be set out in Forest Service Manual (FSM) 1560, Tribal Government Relations.

Timetable:

Action	Date	FR Cite
Interim Directive; Request for Comment	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

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

RIN: 0596-AC69

Department of Agriculture (USDA) Forest Service (FS)

Long-Term Actions

246. RESOURCE AGENCY PROCEDURES FOR CONDITIONS AND PRESCRIPTIONS IN HYDROPOWER LICENSES

Priority: Other Significant

CFR Citation: 7 CFR 1

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/05	70 FR 69804
Interim Final Rule Comment Period End	01/17/06	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC42

247. SPECIAL AREAS; STATE SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: VIRGINIA

Priority: Other Significant

CFR Citation: 36 CFR 294, subpart C

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC59, Related to 0596-AC60

RIN: 0596-AC58

248. SPECIAL AREAS; STATE SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: NORTH CAROLINA

Priority: Other Significant

CFR Citation: 36 CFR 294, subpart D

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks
Phone: 202 205-3610
Fax: 202 260-6539
Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC58, Related to 0596-AC60

RIN: 0596-AC59

Department of Agriculture (USDA)
Forest Service (FS)
Completed Actions
**249. NATIONAL FOREST SYSTEM
LAND MANAGEMENT PLANNING
CATEGORICAL EXCLUSION (FINAL
DIRECTIVE, FOREST SERVICE
HANDBOOK 1909.15, CHAPTER 30)**
Priority: Other Significant

CFR Citation: 36 CFR 219, subpart A

Completed:

Reason	Date	FR Cite
Final Action	12/15/06	71 FR 75481

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AB86

**250. COMMUNITY AND PRIVATE
LAND FOREST FIRE ASSISTANCE
PROGRAM**
Priority: Other Significant

CFR Citation: 36 CFR 230 subpart D
(new)

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AB96

**251. DELEGATION OF AUTHORITY TO
APPROVE FREE USE BY
INDIVIDUALS**
Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 223.8

Completed:

Reason	Date	FR Cite
Interim Final Rule	01/04/06	71 FR 523
Interim Final Rule Comment Period End	03/06/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC09

**252. WATERSHED FORESTRY
ASSISTANCE PROGRAM (PROPOSED
DIRECTIVE, FOREST SERVICE
MANUAL 3500)**
Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
Local, State

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC19

RIN: 0596-AC18

**253. TRIBAL WATERSHED FORESTRY
ASSISTANCE PROGRAM (PROPOSED
DIRECTIVE, FOREST SERVICE
MANUAL 3500)**
Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
Tribal

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC18

RIN: 0596-AC19

**254. 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

CFR Citation: 36 CFR 228

Completed:

Reason	Date	FR Cite
Final Action	03/09/07	72 FR 10608

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC20

**255. SECRETARY DETERMINATION
THAT DOMESTIC SPECIES OF
UNPROCESSED TIMBER ARE
SURPLUS TO DOMESTIC NEEDS
WITHIN THE ZONE OF SOUTHERN
CALIFORNIA**
Priority: Other Significant

CFR Citation: 36 CFR 223.200(d)

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC27

**256. 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

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/07	

USDA—FS

Completed Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC32**257. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE DOCUMENTATION FOR SURFACE USE PLANS OF OPERATION FOR EXPLORATION OR DEVELOPMENT OF AN OIL AND GAS LEASE (FSH 1909.15, CHAPTER 30)****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Directive	02/14/07	72 FR 7391

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC34**258. GRIZZLY BEAR MANAGEMENT (FSM 2676.1)****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Withdrawn	04/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

RIN: 0596-AC56**259. NATIONAL FOREST SYSTEM LAND MANAGEMENT PLANNING DIRECTIVE (FINAL DIRECTIVE, FOREST SERVICE HANDBOOK 1909.12, CHAPTER 70—WILDERNESS EVALUATION)****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Action	01/31/07	72 FR 4478

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC02**RIN:** 0596-AC57**260. SPECIAL AREAS; STATE SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: SOUTH CAROLINA****Priority:** Other Significant**CFR Citation:** 36 CFR 294, subpart E**Completed:**

Reason	Date	FR Cite
Withdrawn	02/23/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Andria D. Weeks

Phone: 202 205-3610

Fax: 202 260-6539

Email: aweeks@fs.fed.us

Related RIN: Related to 0596-AC58, Related to 0596-AC59**RIN:** 0596-AC60**BILLING CODE 3410-11-S**

Department of Agriculture (USDA)

Office of Chief Financial Officer (OCFO)

Proposed Rule Stage

261. • UNITED STATES DEPARTMENT OF AGRICULTURE RESEARCH MISCONDUCT REGULATIONS FOR EXTRAMURAL RESEARCH**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** On December 6, 2000, the National Science and Technology Council, Office of Science and Technology Policy of the Executive Office of the President (OSTP), published in the Federal Register (65

FR 76260) the Federal Policy on Research Misconduct (OSTP Policy) as a final Governmentwide policy addressing research misconduct to establish: (1) Uniformity among the Federal agencies' definition of research misconduct and (2) consistency in their processes for responding to allegations of research misconduct. The proposed regulation will establish U.S. Department of Agriculture (USDA or the Department) policy for implementation of the OSTP Federal Policy on Research Misconduct for extramural research.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Tyson Whitney, Department of Agriculture, Office of Chief Financial Officer, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-8778
Email: twhitney@cfo.usda.gov**RIN:** 0505-AA13**BILLING CODE 3410-90-S**

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

Proposed Rule Stage

262. • DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 5

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–171, sec 9002

CFR Citation: 7 CFR 2902

Legal Deadline: None

Abstract: USDA is proposing to amend 7 CFR part 2902, Guidelines for Designating Biobased Products for Federal Procurement, to add the following 10 items within which biobased products would be afforded

Federal procurement preference: Chain and cable lubricants; corrosion preventatives; food cleaners; forming materials; gear lubricants; household cleaners; industrial cleaners; industrial solvents; multipurpose cleaners; and parts wash solution.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:
www.biobased.oce.usda.gov

Agency Contact: Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, 1400 Independence Avenue SW, Room 4059, South Building, Washington, DC 20250

Phone: 202 401–0532

Fax: 202 401–0535

Email: mduncan@oce.usda.gov

RIN: 0503–AA33

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

Final Rule Stage

263. GENERAL NONPROCUREMENT REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 901 et seq

CFR Citation: 7 CFR 3020

Legal Deadline: None

Abstract: USDA published 7 CFR part 3015, Uniform Federal Assistance Regulations, in 1981 to establish and codify departmentwide policies and standards for administering grants and cooperative agreements to governmental and nongovernmental entities. Since that time, the Office of Management and Budget has led efforts to establish Governmentwide common rules for governmental and nongovernmental recipients of grants and cooperative agreements. Consequently, over the years, USDA has codified its Governmentwide common rules in other parts of title 7 of the CFR. This has resulted in corresponding amendments to part 3015 to revise its scope accordingly. We are proposing to remove part 3015 and to add part 3020 to parts of title 7. We are proposing to include other administrative requirements that were never codified. The alternative would be to continue to work with the disjointed, outdated part 3015. Expected results are that the new part 3020 will be more clear and concise and will only contain those cross-cutting requirements not included in other USDA departmentwide administrative regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/16/03	68 FR 41947

Action	Date	FR Cite
NPRM Comment Period End	08/15/03	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Peter Laub, Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720–1554
 Email: peter.laub@usda.gov

RIN: 0503–AA21

264. DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 2

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

Legal Authority: PL 107–171, sec 9002

CFR Citation: 7 CFR 2902

Legal Deadline: None

Abstract: This rulemaking will designate for preferred procurement under the Federal Biobased Preferred Procurement Program, 10 items. These are: Adhesive and mastic removers, insulating foam for wall construction, hand cleaners and sanitizers, composite panels, transformer fluids, biodegradable containers, fertilizers, metalworking fluids, sorbents, and graffiti and grease removers.

Timetable:

Action	Date	FR Cite
NPRM	08/17/06	71 FR 47566
NPRM Comment Period End	10/16/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:
www.biobased.oce.usda.gov

Agency Contact: Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, 1400 Independence Avenue SW, Room 4059, South Building, Washington, DC 20250

Phone: 202 401–0532

Fax: 202 401–0535

Email: mduncan@oce.usda.gov

RIN: 0503–AA30

265. DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 3

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–171, sec 9002

CFR Citation: 7 CFR 2902

Legal Deadline: None

Abstract: This rulemaking will designate for preferred procurement under the Federal Biobased Products Preferred Procurement Program, 10 items. These are: 2-cycle engine oils, lip care products, biodegradable films, stationary equipment hydraulic fluids,

USDA—AgSEC

Final Rule Stage

biodegradable cutlery, glass cleaners, greases, dust suppressants, carpets, and carpet and upholstery cleaners.

Timetable:

Action	Date	FR Cite
NPRM	08/17/06	71 FR 47590
NPRM Comment Period End	10/16/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:

www.biobased.oce.usda.gov

Agency Contact: Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, 1400 Independence Avenue SW, Room 4059, South Building, Washington, DC 20250

Phone: 202 401-0532

Fax: 202 401-0535

Email: mduncan@oce.usda.gov

RIN: 0503-AA31

266. • DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 4

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-171, sec 9002

CFR Citation: 7 CFR 2902

Legal Deadline: None

Abstract: USDA is proposing to amend 7 CFR part 2902, Guidelines for Designating Biobased Products for Federal Procurement, to add the following 10 items within which biobased products would be afforded Federal procurement preference: Bath and tile cleaners; clothing products; concrete and asphalt release fluids; cutting, drilling, and tapping oils; deicers; durable films; firearm lubricants; floor strippers; laundry products; and wood and concrete sealers.

Timetable:

Action	Date	FR Cite
NPRM	10/11/06	71 FR 59862
NPRM Comment Period End	12/11/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:

www.biobased.oce.usda.gov

Agency Contact: Marvin Duncan, Agricultural Economist, Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, 1400 Independence Avenue SW, Room 4059, South Building, Washington, DC 20250

Phone: 202 401-0532

Fax: 202 401-0535

Email: mduncan@oce.usda.gov

RIN: 0503-AA32

BILLING CODE 3410-90-S

Department of Agriculture (USDA)

Prerule Stage

Rural Business—Cooperative Service (RBS)

267. RURAL BUSINESS INVESTMENT PROGRAM

Priority: Other Significant

Legal Authority: PL 107-171, sec 6029

CFR Citation: 7 CFR 4290

Legal Deadline: None

Abstract: The Agency publish an interim rule on June 8, 2004 [69 FR 32200], to implement the provisions of section 6029 of the Farm Security and Rural Investment Act, which authorizes the Rural Business Investment Program. The purpose of the program is the establishment of equity capital investment in Rural Business Investment Companies and other entities through a combination of grants and guarantees of debentures with the objective of fostering economic development in rural areas. By law, the

program is required to be administered by another Federal agency that has considerable expertise in operating a similar program. The Rural Business-Cooperative Service has contracted with the Small Business Administration. The Agency now intends to publish an Advanced Notice of Proposed Rulemaking seeking public comments regarding the possibility of operating the Rural Business Investment Program to provide for non-leveraged rural business investment companies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 32200
Interim Final Rule Comment Period End	07/08/04	
ANPRM	06/00/07	

Action	Date	FR Cite
ANPRM Comment Period End	08/00/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Foore, Program Advisor, Office of the Administrator, Department of Agriculture, Rural Business-Cooperative Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 205-0056

Fax: 202 690-4737

Email: michael.foore@wdc.usda.gov

RIN: 0570-AA35

Department of Agriculture (USDA)
Rural Business—Cooperative Service (RBS)

Proposed Rule Stage

**268. 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	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-6802
 Fax: 202 720-6003
 Email: brenda.griffin@wdc.usda.gov
RIN: 0570-AA26

**269. 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	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robin Meigel, Finance Specialist, Department of Agriculture, 1400 Independence Avenue SW, STOP 1569, Washington, DC 20250-1569
 Phone: 202 720-9452
 Fax: 202 720-7491
 Email: robin.meigel@wdc.usda.gov
RIN: 0570-AA62

**270. SOCIO-ECONOMIC BENEFIT
 ASSESSMENT SYSTEM (SEBAS)**

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

Legal Authority: 5 USC 301; 7 USC 1989

CFR Citation: 7 CFR 4279; 7 CFR 4287

Legal Deadline: None

Abstract: The Socio-Economic Benefit Assessment System (SEBAS) requires specific items of project information to estimate the performance and economic effectiveness of Business and Industry Guaranteed Loans. At present, the information needed to generate SEBAS performance reports is not required by regulation. The proposed action will revise the identified regulations to require information necessary to generate performance output data from SEBAS. Specifically, detailed sales and wage information and a list of expenses related to applicant operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: William C Smith, Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250-3224
 Phone: 202 205-0903
 Fax: 202 720-6003
 Email: william.smith@wdc.usda.gov
RIN: 0570-AA63

**271. RENEWABLE ENERGY SYSTEMS
 AND ENERGY EFFICIENCY
 IMPROVEMENTS (REEEI) PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 4280; 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B

Legal Deadline: None

Abstract: The Rural Business-Cooperative Service proposed to amend 7 CFR 4280.126(c) to include additional language regarding the annual renewal fee rates. This amendment will provide guidance regarding annual renewal fee due dates, delinquencies and other technical information which will be consistent with the annual renewal fee rates included in 7 CFR 4279.107(b).

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: William C Smith, Loan Specialist, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3224, Washington, DC 20250-3224
 Phone: 202 205-0903
 Fax: 202 720-6003

USDA—RBS

Proposed Rule Stage

Email: william.smith@wdc.usda.gov

RIN: 0570-AA64

272. • DELIVERY ENHANCEMENT FOR GUARANTEED LOANS

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B; 7 CFR 4280, subpart B; 7 CFR 3575, subpart A;

Legal Deadline: None

Abstract: Rural Development is proposing a unified guaranteed loan

platform for enhanced delivery of four existing Rural Development guaranteed loan programs—Community Facility; Water and Waste Disposal; Business and Industry; and Renewable Energy Systems and Energy Efficiency Improvement Projects. The proposed rulemaking would eliminate the existing loan guarantee regulations for these four programs and consolidate them under a new, single part.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Foore, Program Advisor, Office of the Administrator, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 205-0056
Fax: 202 690-4737
Email: michael.foore@wdc.usda.gov

Related RIN: Merged with 0570-AA41

RIN: 0570-AA65

Department of Agriculture (USDA)

Final Rule Stage

Rural Business—Cooperative Service (RBS)

273. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 940c

CFR Citation: 7 CFR 1703, subpart B; 7 CFR 4280, subpart A

Legal Deadline: None

Abstract: This action improves the ease of use by the public and program beneficiaries. The regulations will simplify the application format, review and selection process, and recipients' recordkeeping requirements. It will also add a section on the appeal of adverse decisions.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 69937
NPRM Comment Period End	02/14/00	65 FR 69937
Final Action	09/00/07	
Final Action Effective	11/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Todd Hubbell, Loan Specialist, Specialty Lenders Division,

Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, STOP 3225, Washington, DC 20250-3225
Phone: 202 690-2516
Email: todd.hubbell@wdc.usda.gov

RIN: 0570-AA19

274. B&I GUARANTEED LOAN PROGRAM FARM BILL CHANGES—EXPANDED ELIGIBILITY CRITERIA

Priority: Other Significant

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

CFR Citation: 7 CFR 4279, subpart B

Legal Deadline: None

Abstract: Section 6013 of the Farm Security and Rural Investment Act of 2002 adds other renewable energy systems as an eligible loan purpose. Section 6017 expands eligibility criteria for loans to cooperatives and loan guarantees in non-rural areas under certain conditions and expands eligibility and relaxes financial reporting requirements for the B&I Cooperative Stock Purchase Program. It also allows the Agency to require specialized appraisals for the B&I

program. Section 6019 requires the Agency to provide a short, simplified application form for guarantees of \$400,000 or less initially. 7 CFR part 4279, subpart B, must be changed to incorporate these provisions of the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/04	69 FR 64829
Interim Final Rule Comment Period End	12/09/04	
Interim Final Rule Effective	12/09/04	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Brenda Griffin, Loan Specialist, B&I Processing Division, Department of Agriculture, Rural Business—Cooperative Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-6802
Fax: 202 720-6003
Email: brenda.griffin@wdc.usda.gov

RIN: 0570-AA39

Department of Agriculture (USDA)
Rural Business—Cooperative Service (RBS)
Completed Actions
275. BUSINESS AND INDUSTRY LOAN PROGRAM—REWRITE OF PROGRAM REGULATIONS

Priority: Other Significant

CFR Citation: 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B

Completed:

Reason	Date	FR Cite
Merged With	04/01/07	
0570-AA65		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, Tribal

Agency Contact: Michael Foore
 Phone: 202 205-0056
 Fax: 202 690-4737
 Email: michael.foore@wdc.usda.gov

RIN: 0570-AA41

276. NATIONAL SECURITY EMERGENCY

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robin Meigel
 Phone: 202 720-9452
 Fax: 202 720-7491
 Email: robin.meigel@wdc.usda.gov

RIN: 0570-AA48

277. BUSINESS AND INDUSTRY GUARANTEED LOAN PROGRAM—IMPLEMENT THE DEBT COLLECTION IMPROVEMENT ACT (DCIA) OF 1996

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 4279, subpart B

Completed:

Reason	Date	FR Cite
Final Action	11/20/06	71 FR 67032
Final Action Effective	12/20/06	71 FR 67023

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David W. Lewis
 Phone: 202 690-0797
 Fax: 202 720-6003
 Email: david.lewis@wdc.usda.gov
RIN: 0570-AA54

278. EQUAL OPPORTUNITY FOR RELIGIOUS ORGANIZATIONS

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rick Bonnet
 Phone: 202 720-1804
 Fax: 202 690-3808
 Email: rick.bonnet@wdc.usda.gov

RIN: 0570-AA61

BILLING CODE 3410—XY—S

Department of Agriculture (USDA)
Rural Utilities Service (RUS)
Prerule Stage
279. LIEN ACCOMMODATIONS AND SUBORDINATIONS FOR 100 PERCENT PRIVATE FINANCING

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq

CFR Citation: 7 CFR 1717-R

Legal Deadline: None

Abstract: USDA Rural Development Utilities Programs (Agency) proposes to amend its regulations on lien accommodations and subordinations. The rule proposes to remove the procedures where case-by-case USDA Rural Development approval of the issuance of additional secured debt is required and establish those procedures: Eligible financing purposes, decision factors for granting lien accommodations, application content and timeframe, in an agency guide bulletin. This proposed rule will focus on lien accommodation policies and establish a more user-friendly regulation for lien accommodation and subordination for 100 percent private

financing. The Agency proposes this clarification of the rule and update to the existing lien accommodation and subordination regulations in its ongoing effort to maintain current program rules.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 690-1078
 Fax: 202 720 8435
 Email: michele.brooks@usda.gov

RIN: 0572-AB99

280. • ELECTRIC SYSTEM OPERATIONS AND MAINTENANCE, INTERCONNECTION OF DISTRIBUTED RESOURCES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901

CFR Citation: 7 CFR 1730

Legal Deadline: None

Abstract: This regulatory action is to amend 7 CFR part 1730 by adding a subpart C titled "Interconnection of Distributed Resources." This rule will require that borrowers will be responsible for establishing and maintaining a written standard policy relating to the interconnection of distributed resources (IDR). This rule will allow owners of distributed resources to know what the requirements of the borrower electric cooperatives are regarding connection of their facilities.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/07	

USDA—RUS

Prerule Stage

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522,1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov
RIN: 0572-AC07**Department of Agriculture (USDA)
Rural Utilities Service (RUS)****Proposed Rule Stage****281. WATER AND WASTE LOANS AND GRANTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 7 USC 1989; 16 USC 1005**CFR Citation:** 7 CFR 1780**Legal Deadline:** None**Abstract:** The Rural Utilities Service, an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, is proposing to amend its regulation used to process water and waste disposal (WWD) loans and grants. The regulation will be amended to provide predevelopment planning grants for low-income and poverty-stricken areas, enhancements for water and sewer systems with significant security weaknesses, changes to the use of grant funds for rural or Native Alaskan Villages, mandatory use of pre-authorized debit (PAD) repayment for borrowers, modified reserve requirements for borrowers, simplified application process, requirements for alternative project delivery methods, and planning for future enhancements to delivery of the program.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov
RIN: 0572-AC03**282. RURAL BROADBAND ACCESS LOANS AND LOAN GUARANTEES****Priority:** Other Significant**Legal Authority:** PL 107-171; 7 USC 901 et seq**CFR Citation:** 7 CFR 1738**Legal Deadline:** None**Abstract:** There has been more than \$1.1 billion in loans for broadband deployment with more than 1,000 rural communities that will receive broadband services. Even with this level of success, the programs needs to be adjusted to better serve unserved or underserved communities. In response, we are proposing new rules that seek to address this and other critical issues, and further facilitate the deployment of broadband service in rural America as directed by Congress. The following is a summary of the major issues addressed by the proposed rulemaking:

(1) Clearly define served, underserved markets based on service availability and existing competitors and target unserved an underserved areas; (2) Provide potential applicants with a clear definition of which communities are eligible for funding; (3) Establish a new standard for minimum data transmission rate; (4) Establish equity requirements that mitigate risks; (5) Modify market survey requirements based on service territories and existing availability of service; and (6) Impose new time limits for build-out and deployment to ensure prudent use of loan funds and timely delivery services to rural customers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov
RIN: 0572-AC06**Department of Agriculture (USDA)
Rural Utilities Service (RUS)****Final Rule Stage****283. 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, an agency delivering the United States Department of Agriculture's Rural

Development Utilities Programs, consolidates and amends the regulations utilized to service water and waste loan and grant programs. Unnecessary and burdensome requirements for water and waste loan and grant servicing under the program

USDA—RUS

Final Rule Stage

will be eliminated. The streamlining will allow the Agency to provide better service to entities needing assistance in resolving financial and economic problems in their communities and in general improve the quality of life in rural areas.

Timetable:

Action	Date	FR Cite
NPRM	11/15/04	69 FR 65546
NPRM Comment Period End	01/14/05	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov

RIN: 0572-AB59

284. PUBLIC TELEVISION STATION DIGITAL TRANSITION GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-447

CFR Citation: 7 CFR 1740

Legal Deadline: None

Abstract: The Federal Communications Commission had required all television broadcasters to initiate the broadcast of a digital television signal and to cease analog television broadcasts. To assist stations with the transition, Congress recognized the need to facilitate the

digital transition in public television stations that serve rural areas. This grant program will assist rural public television to finance the conversion of television services to digital broadcasting. To continue this program in FY 2005, Congress provided \$10 million for grant funds in the Consolidated Appropriations Act, 2005 (Pub. L. 108-447). Congress also authorized additional purposes, which were specifically excluded in the NOFA. This regulation will incorporate the new statutory requirements and updates this competitive grant program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/06	71 FR 3205
Interim Final Rule Comment Period End	03/31/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov

RIN: 0572-AC02

285. RURAL AREA DEFINITIONS FOR RURAL DEVELOPMENT 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: USDA Rural Development Utilities Programs 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 Rural Development Water and Environmental Programs in 7 CFR 1775, 1778, 1779, 1780, and 1783.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michele L Brooks, Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, Rural Utilities Service, Room 5159 South Building, Stop 1522, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov

RIN: 0572-AC04

Department of Agriculture (USDA) Rural Utilities Service (RUS)

Completed Actions

286. TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT, AND CONSTRUCTION

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1755

Completed:

Reason	Date	FR Cite
Withdrawn	02/21/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michele L Brooks
Phone: 202 690-1078
Fax: 202 720 8435
Email: michele.brooks@usda.gov

RIN: 0572-AB40

287. SPECIFICATIONS FOR 15, 25, AND 35 KV PRIMARY UNDERGROUND POWER CABLE

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 1728

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/07	

USDA—RUS

Completed Actions

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michele L Brooks

Phone: 202 690-1078

Fax: 202 720 8435

Email: michele.brooks@usda.gov

RIN: 0572-AC05**BILLING CODE** 3410-15-S**Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)**

Final Rule Stage

288. 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
Interim Final Rule Comment Period End	07/25/05	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Harry Slawter, Resource Conservationist, Department of Agriculture, Natural Resources Conservation Service, P.O. Box 2890, Washington, DC 20013
Phone: 202 720-1845

Fax: 202 720-4265

Email: harry.slawter@wdc.usda.gov

RIN: 0578-AA36**289. 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	04/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Floyd Wood, Easement Program Division, Department of Agriculture, Natural Resources Conservation Service, Washington, DC 20013
Phone: 202 720-0242
Fax: 202 720-9689
Email: floyd.wood@wdc.usda.gov**RIN:** 0578-AA38**290. CONFIDENTIALITY OF CONSERVATION PROGRAM INFORMATION****Priority:** Other Significant**Legal Authority:** 5 USC 552(b)(3)**CFR Citation:** 7 CFR 609**Legal Deadline:** None**Abstract:** Section 1244 of the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002, prohibits the release and disclosure of proprietary information unless certain exceptions apply. Once implemented, the regulations will ensure program participant confidence that proprietary information will not be released and disclosed and will ensure that the public benefits provided by the conservation programs will not be undermined.**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State**Agency Contact:** Kevin Brown, Deputy Chief for Management, Department of Agriculture, Natural Resources Conservation Service, PO Box 2890, Washington, DC 20013
Phone: 202 720-6297
Fax: 202 720-2588
Email: kevin.brown@wdc.usda.gov**RIN:** 0578-AA40**BILLING CODE** 3410-16-S**Department of Agriculture (USDA)
Office of Procurement and Property Management (OPPM)**

Long-Term Actions

291. 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

USDA—OPPM

Long-Term Actions

Agency Contact: Joseph J. Daragan
Phone: 202 720-5729

Fax: 202 720-5729

Email: joe.daragan@usda.gov

RIN: 0599-AA12

[FR Doc. 07-01241 Filed 04-27-07; 8:45 am]

BILLING CODE 3410-98-S