

DEPARTMENT OF AGRICULTURE**Office of the Secretary****7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX****9 CFR Chs. I-IV****36 CFR Ch. II****41 CFR Ch. 4****Semiannual Regulatory Agenda, Fall 2008**

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.

USDA's complete regulatory agenda is available online at www.reginfo.gov. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

- (1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and
- (2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the USDA regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

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: September 12, 2008.

NAME: Michael Poe,
Chief, Legislative and Regulatory Staff.

The 374 Regulatory Agendas

Office of the Secretary - Proposed Rule

Title	Regulation Identifier Number
Designation of Biobased Items for Federal Procurement, Round 5	0503-AA33
Designation of Biobased Items for Federal Procurement, Round 6	0503-AA34
Voluntary Labeling Program for Designated Biobased Products	0503-AA35
Designation of Biobased Items for Federal Procurement, Round 7	0503-AA36

Office of the Secretary - Final Rule

Title	Regulation Identifier Number
General Nonprocurement Regulations	0503-AA21

Office of the Secretary - Completed Action

Title	Regulation Identifier Number
Designation of Biobased Items for Federal Procurement, Round 2	0503-AA30
Designation of Biobased Items for Federal Procurement, Round 3	0503-AA31
Designation of Biobased Items for Federal Procurement, Round 4	0503-AA32

Office of Chief Financial Officer - Proposed Rule

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

Agricultural Research Service - Long-term Action

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

Cooperative State Research, Education, and Extension Service - Proposed Rule

Title	Regulation Identifier Number
Matching Requirements for Formula Funds at the 1890 Land-Grant Institutions and at the 1862 Land-Grant Institutions in the District of Columbia and the Insular Areas	0524-AA25
CSREES Agricultural Extension Formula Programs--Administrative Provisions	0524-AA26
Equity in Educational Land-Grant Status Act of 1994 Programs	0524-AA38
Hispanic-Serving Agricultural Colleges and Universities Endowment Program	0524-AA40
Determination of Veterinary Shortage Situations for the Veterinary Loan Repayment Program	0524-AA43
Veterinary Medicine Loan Repayment Act Program	0524-AA53

Cooperative State Research, Education, and Extension Service - Final Rule

Title	Regulation Identifier Number
Hispanic-Serving Agricultural Colleges and Universities Certification Process	0524-AA39
McIntire-Stennis Cooperative Forestry Act Program--Administrative Provisions	0524-AA45
Competitive and Noncompetitive Non-Formula Programs--Administrative Provisions	0524-AA47
Competitive and Noncompetitive Nonformula General Administrative Provisions and Program-Specific Administrative Provisions	0524-AA58
Competitive and Noncompetitive Nonformula General Administrative Provisions and Program-Specific Administrative Provisions	0524-AA59
Competitive and Noncompetitive Nonformula General Administrative Provisions and Program-Specific Administrative Provisions	0524-AA60

Cooperative State Research, Education, and Extension Service - Long-term Action

Title	Regulation Identifier Number
1890 Research Formula Grant Program--Administrative Provisions	0524-AA54
Animal Health and Disease Research Program--Administrative Provisions	0524-AA55
Hatch Act Formula Grant Program--Administrative Provisions	0524-AA56
Hatch Multistate Research Fund Programs--Administrative Provisions	0524-AA57

Foreign Agricultural Service - Proposed Rule

Title	Regulation Identifier Number
Technical Assistance for Specialty Crops (TASC) Program	0551-AA71
Market Access Program (MAP)	0551-AA72
Facility Guarantee Loan Program (FGP)	0551-AA73
Export Credit Guarantee Programs: Elimination of Intermediate Term Guarantee (GSM-103) Program and Export Enhancement Program; Amend Regulations for Export Credit Guarantee (GSM-102) Program	0551-AA74
McGovern-Dole International Food for Education and Child Nutrition (McGovern-Dole Program) Program and Food for Progress (FFP) Program	0551-AA78

Foreign Agricultural Service - Final Rule

Title	Regulation Identifier Number
New Provisions and Revisions to Sugar Re-Export Programs	0551-AA65
Quality Samples Program (QSP)	0551-AA68
Elimination of Regulation: Supplier Credit Guarantee Program (SCGP)	0551-AA75

Foreign Agricultural Service - Completed Action

Title	Regulation Identifier Number
Market Access Program (MAP)	0551-AA69
Dairy Import Licensing Program	0551-AA70

Farm Service Agency - PreRule

Title	Regulation Identifier Number
Tobacco Transition Program, Final Dates for Program Signup and Successor-in-Interest Transfers	

0560-AH77

Farm Service Agency - Proposed Rule

Title	Regulation Identifier Number
Debt Collection, Debt Settlement, and Assignment of Payments	0560-AH09
Disaster Declaration and Designation	0560-AH17
Appraisal Requirements for Farm Ownership Loans	0560-AH56
Interest Rates on Farm Service Agency Farm Loan Programs Guaranteed Loans	0560-AH66
Defense Priorities and Allocations System	0560-AH68
Request for Comment on Changing Regulations Governing Cash and Share Leases for Future Farm Programs	0560-AH75
Emergency Forest Restoration Program	0560-AH89
Biomass Crop Assistance Program	0560-AH92
Farm Loan Programs Loan Making Activities	0560-AI03
Conservation Loan Guarantee Program	0560-AI04
Loan Servicing; Farm Loan Programs	0560-AI05

Farm Service Agency - Final Rule

Title	Regulation Identifier Number
Selection of FSA State and County Committees	0560-AG90
Emergency Conservation Program	0560-AH43
Farm Storage Facility Loan (FSFL) and Sugar Storage Facility Loan (SSFL) Programs	0560-AH60
Grassroots Source Water Protection Program	0560-AH61
Acreage Reporting and Common Provisions	0560-AH69
Conservation Reserve Program	0560-AH80
Cotton Program Changes for Loans, Loan Deficiency Payments, Upland Cotton, and Extra Long Staple Cotton	0560-AH81
Farm Loan Programs	0560-AH82
Milk Income Loss Contract (MILC) Program	0560-AH83
Direct and Counter-Cyclical Program (DCP)	0560-AH84
Payment Eligibility and Payment Limitation	0560-AH85
Sugar Program	0560-AH86
Marketing Assistance Loans and Loan Deficiency Payments	0560-AH87
Dairy Product Price Support Program	0560-AH88
Supplemental Revenue Assistance Payments Program (SURE)	0560-AH90
Prevention of Payments to Deceased Persons	0560-AH91
Emergency Loss Assistance Program (ELAP)	0560-AH93
Livestock Forage Disaster Program (LFP)	0560-AH94
Livestock Indemnity Program (LIP)	0560-AH95
Tree Assistance Program (TAP)	0560-AH96
Conservation Compliance	0560-AH97
Voluntary Public Access and Habitat Incentive Program	0560-AH98
Dairy Indemnity Payment Program	0560-AH99
Commodity Assessments; Loans, Purchases, and Other Operations	0560-AI00
Commodity Incentive Payments; Wheat and Oilseed Programs	0560-AI01
Asparagus Market Loss Assistance Payment (AMLAP) Program	0560-AI02

Noninsured Disaster Assistance Program (NAP)	0560-AI06
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Farm Service Agency - Long-term Action

Title	Regulation Identifier Number
Ocean Freight Claims Administrative Appeal Process	0560-AG49
2002 Farm Bill Regulations--Assistance for Livestock Producers	0560-AG76
Environmental Compliance and Related Concerns	0560-AH02
Conservation Contract Debt Write-Down	0560-AH23
Reassignment of Sugar Allocation Shortfalls	0560-AH50
Storage Requirements for Grain Security for Marketing Assistance Loans	0560-AH52
Defining Sugar Subject to Marketing Allocations	0560-AH53
Signature Authority	0560-AH70

Farm Service Agency - Completed Action

Title	Regulation Identifier Number
Guaranteed Farm Loan Fees	0560-AH41
Guaranteed Loans--Interest To Be Paid on Loss Claims	0560-AH55
Cotton World Price Determination	0560-AH78
Tobacco Transition Payment Program; Release of Records	0560-AH79

Federal Crop Insurance Corporation - Proposed Rule

Title	Regulation Identifier Number
General Administrative Regulations; Actual Production History (APH)	0563-AB83
General Administrative Regulations; Appeal Procedures and Standards for Approval--Reinsurance Agreement	0563-AC06
Common Crop Insurance Regulations, Apple Crop Insurance Provisions	0563-AC10
Common Crop Insurance Regulations, Nursery Crop Provisions, Nursery Peak Inventory Endorsement, and Nursery Rehabilitation Endorsement	0563-AC16

Federal Crop Insurance Corporation - Final Rule

Title	Regulation Identifier Number
General Administrative Regulations; Sanctions--Administrative Remedies for Non-Compliance	0563-AB73
Common Crop Insurance Regulations and Various Crop Insurance Provisions	0563-AB96
Common Crop Insurance Regulations, Tobacco Crop Insurance Provisions	0563-AB98
Common Crop Insurance Regulations, Cabbage Crop Insurance Provisions	0563-AB99
Common Crop Insurance Regulations, Grape and Table Grape Crop Insurance Provisions	0563-AC09
Common Crop Insurance Regulations, Dry Pea Crop Insurance Provisions	0563-AC14

Federal Crop Insurance Corporation - Completed Action

Title	Regulation Identifier Number
Common Crop Insurance Regulations, Coverage Enhancement Option	0563-AC15
Catastrophic Risk Protection Endorsement and the Group Risk Plan of Insurance Regulations	0563-AC17

Rural Business-Cooperative Service - Proposed Rule

Title	Regulation Identifier Number
Socio-Economic Benefit Assessment System (SEBAS)	0570-AA63
Delivery Enhancement for Grants	0570-AA68
Renewable Energy--Clarify Requirements for Construction/Development of Energy Program Projects	0570-AA69
Intermediary Relending Program--Clarification--Inconsistencies in Processing and Servicing Requirements	0570-AA70
Rural Microenterprise Assistance Program	0570-AA71
Grants for Expansion of Employment Opportunities for Individuals With Disabilities in Rural Areas	0570-AA72
Biorefinery Assistance	0570-AA73
Re-Powering Assistance	0570-AA74
Bioenergy Program for Advanced Biofuels	0570-AA75
Rural Energy for America Program (REAP)	0570-AA76
Rural Energy Self-Sufficiency Initiative	0570-AA77

Rural Business-Cooperative Service - Final Rule

Title	Regulation Identifier Number
Rural Business Investment Program	0570-AA35
Delivery Enhancement for Guaranteed Loans	0570-AA65
Rural Business Enterprise Grant Program	0570-AA67

Rural Business-Cooperative Service - Completed Action

Title	Regulation Identifier Number
Amendment of Guarantee Requirements	0570-AA62
Renewable Energy Systems and Energy Efficiency Improvements (REEEI) Program	0570-AA64

Rural Utilities Service - PreRule

Title	Regulation Identifier Number
Lien Accommodations and Subordinations for 100 Percent Private Financing	0572-AB99
2008 Farm Bill, Water and Waste Loans and Grants	0572-AC11
2008 Farm Bill, Household Water Well System Grant Program	0572-AC12
Special Evaluation Assistance for Rural Communities and Households Program (SEARCH)	0572-AC14

Rural Utilities Service - Proposed Rule

Title	Regulation Identifier Number
Water and Waste Loans and Grants	0572-AC03
Electric Loans for Renewable Energy	0572-AC10
General Policies, Types of Loans, Loan Requirements-Telecommunications Program	0572-AC13

Rural Utilities Service - Final Rule

Title	Regulation Identifier
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	Number
Rural Broadband Access Loans and Loan Guarantees	0572-AC06
Electric System Operations and Maintenance, Interconnection of Distributed Resources	0572-AC07

Rural Utilities Service - Completed Action

Title	Regulation Identifier Number
Rural Area Definitions for Rural Development WEP Programs	0572-AC04
Accounting Requirements for RUS Electric Program Borrowers	0572-AC08

Rural Housing Service - Proposed Rule

Title	Regulation Identifier Number
Civil Rights Compliance Requirements	0575-AA83
National Flood Insurance Regulations	0575-AC07
Servicing Community Programs Loans and Grants	0575-AC12
Community Facilities Direct Loan Program--Consolidate, Simplify, and Update Regulations	0575-AC27
Planning and Performing Construction and Other Development	0575-AC55
Environmental Policies and Procedures	0575-AC56
Community Programs Guaranteed Loans	0575-AC58
Guaranteed Rural Rental Housing	0575-AC67
Section 538 Guaranteed Rural Rental Housing Program--Elimination of the Notice of Funding Availability (NOFA) Requirement	0575-AC71
Section 538 Guaranteed Rural Rental Housing Program--Refinancing of GRRHP Properties	0575-AC72
Section 533 Housing Preservation Grant Program--Clarification of the Eligibility of Faith-Based Organizations	0575-AC74
Planning and Performing Construction and Other Development To Conform to Current Market/Industry Standards	0575-AC77
Community Facility Loans--Update Contract Guide Documents	0575-AC78

Rural Housing Service - Final Rule

Title	Regulation Identifier Number
Multi-Family Housing (MFH) Reinvention	0575-AC13
Guaranteed Single-Family Housing	0575-AC18
Self-Help Technical Assistance Grants	0575-AC20
Reserve Account for Sections 514/516 Farm Labor Housing and Section 515 Rural Rental Housing Programs	0575-AC66
Direct Single-Family Housing Program	0575-AC69
Section 538 Guaranteed Rural Rental Housing Program--Appraisal Requirement	0575-AC70
Income Limit Modifications--Single-Family Housing Direct and Guaranteed Loan Program	0575-AC73
Community Facilities Grant Program	0575-AC75

Rural Housing Service - Completed Action

Title	Regulation Identifier Number
Housing Preservation Grants--Faith-Based and Community Organizations	0575-AC76

Natural Resources Conservation Service - Proposed Rule

	Regulation

Title	Identifier Number
Healthy Forests Reserve Program	0578-AA52

Natural Resources Conservation Service - Final Rule

Title	Regulation Identifier Number
Grassland Reserve Program	0578-AA38
Agricultural Water Enhancement Program	0578-AA42
Conservation Stewardship Program	0578-AA43
Regional Equity	0578-AA44
Environmental Quality Incentives Program	0578-AA45
Farm and Ranch Lands Protection Program	0578-AA46
Wetlands Reserve Program	0578-AA47
Technical Service Provider Assistance	0578-AA48
Wildlife Habitat Incentive Program	0578-AA49
Agricultural Management Assistance Program	0578-AA50
State Technical Committee	0578-AA51

Natural Resources Conservation Service - Completed Action

Title	Regulation Identifier Number
Conservation Security Program	0578-AA36
Confidentiality of Conservation Program Information	0578-AA40
Compliance With NEPA	0578-AA41

Animal and Plant Health Inspection Service - PreRule

Title	Regulation Identifier Number
Regulation of Genetically Engineered Animals	0579-AC37

Animal and Plant Health Inspection Service - Proposed Rule

Title	Regulation Identifier Number
Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579-AB35
Animal Welfare; Regulations and Standards for Birds	0579-AC02
Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment	0579-AC03
Sharing Confidential Business Information With Government Agencies Regarding the Introduction of Genetically Engineered Organisms and Products	0579-AC08
Tuberculosis in Cattle; Import Requirements for Roping Steers	0579-AC50
National Environmental Policy Act Implementing Procedures	0579-AC60
Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products	0579-AC68
Handling of Animals; Contingency Plans	0579-AC69
Official Animal Identification Numbering Systems	0579-AC72
Importation of Lemons From Northwest Argentina	0579-AC79

Animal and Plant Health Inspection Service - Final Rule

Title	Regulation Identifier Number
Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
Phytophthora Ramorum; Quarantine and Regulations	0579-AB82
Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579-AB84
Boll Weevil; Quarantine and Regulations	0579-AB91
Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity	0579-AB99
Standards for Permanent, Privately Owned Horse Quarantine Facilities	0579-AC00
Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579-AC05
Citrus Canker; Quarantine of the State of Florida	0579-AC07
User Fees; Export Certification for Plants and Plant Products	0579-AC22
Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579-AC31
Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza	0579-AC36
Citrus Canker; Interstate Movement of Regulated Nursery Stock From Quarantined Areas	0579-AC38
Importation of Table Eggs From Regions Where Exotic Newcastle Disease Exists	0579-AC47
Import/Export User Fees	0579-AC59
Importation of Cattle From Mexico; Addition of Port at San Luis, Arizona	0579-AC63
Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist	0579-AC67
Revision of Regulations for the Movement of Fruits and Vegetables From Hawaii and U.S. Territories Into the Continental United States	0579-AC70
Light Brown Apple Moth Quarantine	0579-AC71
Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish	0579-AC74
Animal Welfare; Rats and Mice	0579-AC75
Importation of Baby Squash and Baby Courgettes From Zambia	0579-AC76
Importation of Tomatoes From Souss-Massa, Morocco	0579-AC77
National Poultry Improvement Plan and Auxiliary Provisions	0579-AC78
Citrus Canker; Movement of Fruit From a Quarantined Area; Bag Markings	0579-AC81
Importation of Grapes From Chile Under a Systems Approach	0579-AC82
Importation of Sweet Oranges and Grapefruit From Chile	0579-AC83
National Animal Identification System; Use of 840 Animal Identification Numbers for U.S.-Born Animals Only	0579-AC84
Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations	0579-AC85
Sirex Woodwasp; Quarantine and Regulations	0579-AC86

Animal and Plant Health Inspection Service - Long-term Action

Title	Regulation Identifier Number
Plant Pest Regulations; Update of Current Provisions	0579-AA80
Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs	0579-AB24
Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
Tuberculosis in Cattle; Import Requirements	0579-AB44
Karnal Bunt Compensation	0579-AB45
Viruses, Serums, Toxins, and Analogous Products; Records and Reports	0579-AB90
Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579-AB97
National Veterinary Accreditation Program	0579-AC04
Agricultural Inspection and AQI User Fees Along the U.S./Canada Border	0579-AC06
Minimum Age Requirements for the Transport of Animals	0579-AC14

Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine Mammals	0579-AC41
Recordkeeping for Approved Livestock Facilities and Slaughtering and Rendering Establishments	0579-AC61
Tuberculosis; Require Approved Herd Plans Prior to Payment of Indemnity	0579-AC65
Bovine Tuberculosis	0579-AC73

Animal and Plant Health Inspection Service - Completed Action

Title	Regulation Identifier Number
Trichinae Certification Program	0579-AB92
Special Need Requests Under the Plant Protection Act	0579-AB98
Contagious Equine Metritis; Exemption for Noncompetitive Entertainment Horses	0579-AC35
Exotic Newcastle Disease; Quarantine Restrictions	0579-AC42
Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List	0579-AC53
Importation of Nursery Stock; Postentry Quarantine Requirements for Potential Hosts of Chrysanthemum White Rust and Definition of "From"	0579-AC55
Consolidation of the Fruit Fly Regulations	0579-AC57
Interstate Movement of Fruit From Hawaii	0579-AC62

Grain Inspection, Packers and Stockyards Administration - Proposed Rule

Title	Regulation Identifier Number
United States Standards for Rough Rice; United States Standards for Brown Rice for Processing; and United States Standards for Milled Rice	0580-AA94
Registration, 5-Year Terms	0580-AB03
Livestock, Poultry, and Feed Weighing	0580-AB04

Grain Inspection, Packers and Stockyards Administration - Final Rule

Title	Regulation Identifier Number
Poultry Contracts; Initiation, Performance, and Termination	0580-AA98
Weighing; Feed and Swine Contractors	0580-AA99

Grain Inspection, Packers and Stockyards Administration - Completed Action

Title	Regulation Identifier Number
Request for Public Comment on the United States Standards for Soybeans	0580-AA96
Swine Contractors	0580-AB01
Swine Contract Library Reissue	0580-AB02

Agricultural Marketing Service - Proposed Rule

Title	Regulation Identifier Number
Standards for Condition of Food Containers (FV-05-332)	0581-AC52
National Organic Program: Access to Pasture (TM-05-14)	0581-AC57
National Organic Program: Dairy Replacement Animals (Livestock) (TM-07-03)	0581-AC69
Federal Seed Act Amendments (LS-07-14)	0581-AC74
U.S. Honey Producer Research, Promotion, and Consumer Information Order	0581-AC78

Processed Raspberry Promotion, Research, and Information Order	0581-AC79
Mushroom Promotion, Research and Consumer Information Order (FV-08-702)	0581-AC82
Farmers Market Promotion Program (TM-08-07)	0581-AC83
Cotton Research and Promotion Program: Designation of Cotton-Producing States (CN--08-003)	0581-AC84
Establishment of Honey Regulations (Farm Bill) (FV-08-330)	0581-AC89

Agricultural Marketing Service - Final Rule

Title	Regulation Identifier Number
Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-07-0081)	0581-AC26
National Organic Program: Amending the National List [Processing] (TM-07-06)	0581-AC71
Dairy Import Assessments (DA-08-07)	0581-AC87
Specialty Crop Block Grant Program (Farm Bill)	0581-AC88

Agricultural Marketing Service - Long-term Action

Title	Regulation Identifier Number
National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals, (TM-01-08)	0581-AB97
Cotton Crop Classification Services (CN-07-003 B)	0581-AC75
National Organic Program, Sunset (2011)(Crops and Processing) (TM-07-14)	0581-AC77

Agricultural Marketing Service - Completed Action

Title	Regulation Identifier Number
Mandatory Reporting for Dairy Programs (DA-06-07)	0581-AC66
Livestock Mandatory Reporting: Revise Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef (LS-07-01)	0581-AC67
Sorghum Research and Promotion; Establishing the Program (LS-07-02)	0581-AC70
Perishable Agricultural Commodities Act, Compliant Filing Fees (FV-07-376)	0581-AC72
Egg, Poultry, and Rabbit Grading: Increase in Fees (PY-07-0065)	0581-AC73
National Organic Program, Sunset (2008) (TM-07-12)	0581-AC76
User Fees for 2008 Crop Cotton Classification Services to Growers	0581-AC80
National Organic Program, Amending the National List--Livestock (Use of Methionine) TM-08-05	0581-AC81
Federal Milk Marketing Orders (DA-08-04)	0581-AC85
Dairy Forward Pricing Program (DC-08-05)	0581-AC86

Food Safety and Inspection Service - PreRule

Title	Regulation Identifier Number
Product Labeling: Use of the Voluntary Claim "Natural" on the Labeling of Meat and Poultry Products	0583-AD30

Food Safety and Inspection Service - Proposed Rule

Title	Regulation Identifier Number
Egg Products Inspection Regulations	0583-AC58
Prior Labeling Approval System: Generic Label Approval	0583-AC59
Classes of Poultry; Updating Poultry Class Standards	0583-AC83

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
Electronic Signatures	0583-AD14
Definition of Veal	0583-AD23
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
Changes to Regulatory Jurisdiction Over Certain Food Products Containing Meat and Poultry	0583-AD28
Elimination of Requirements for Total Quality Control Systems	0583-AD31
New Poultry Slaughter Inspection	0583-AD32
Permission To Use Air Inflation of Meat Carcasses and Parts	0583-AD33
Notification, Documentation and Recordkeeping Requirements for Inspected Establishments	0583-AD34
Mandatory Inspection of Catfish and Catfish Products	0583-AD36
Federal-State Interstate Shipment Cooperative Inspection Program	0583-AD37

Food Safety and Inspection Service - Final Rule

Title	Regulation Identifier Number
Performance Standards for the Production of Processed Meat and Poultry Products; Control of <i>Listeria Monocytogenes</i> in Ready-To-Eat Meat and Poultry Products	0583-AC46
Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products	0583-AC60
Food Standards; General Principles and Food Standards Modernization	0583-AC72
Petitions for Rulemaking	0583-AC81
Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems	0583-AD00
Definitions and Procedures for Determining the Net Weight Compliance of Meat and Poultry Products	0583-AD17
Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection	0583-AD35
Mandatory Country Of Origin Labeling Of Covered Commodities Including Muscle Cuts Of Beef (Including Veal), Lamb, Chicken, Goat, and Pork; Ground Beef, Gr. Lamb, Gr. Chicken, Gr. Goat, and Gr. Pork	0583-AD38

Food Safety and Inspection Service - Completed Action

Title	Regulation Identifier Number
Accredited Laboratory Program	0583-AD09
Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls	0583-AD10
Allowing Bar-Type Cut Turkey Operations To Use J-Type Cut Maximum Line Speeds	0583-AD18

Food and Nutrition Service - Proposed Rule

Title	Regulation Identifier Number
Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards	0584-AD25
FSP: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores	0584-AD78
Revisions and Clarifications in Requirements for the Distribution and Control of Donated Foods	0584-AD81
Simplified Cost Accounting and Other Actions To Reduce Paperwork in the Summer Food Service Program	0584-AD84
Food Distribution Program on Indian Reservations: Administrative Funding Allocation Methodology	0584-AD85

Food and Nutrition Service - Final Rule

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

Child and Adult Care Food Program: Improving Management and Program Integrity	0584-AC24
Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems	0584-AC37
National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs	0584-AC72
Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits	0584-AD12
Child and Adult Care Food Program (CACFP): At-Risk Afterschool Meals	0584-AD15
FSP: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002	0584-AD30
Quality Control Provisions	0584-AD31
FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns	0584-AD44
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
FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems	0584-AD48
District-Wide Use of Provisions 2 and 3	0584-AD51
Administrative Error Reduction in the School Meals Programs	0584-AD52
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
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
Verification of Eligibility for Free and Reduced Priced Meals in the National School Lunch and School Breakfast Programs	0584-AD61
School Food Safety: Hazard Analysis and Critical Control Point System	0584-AD65
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
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment	0584-AD71
WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions	0584-AD73
WIC Farmers' Market Nutrition Program (FMNP): Implementation of the FMNP Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265)	0584-AD74
Revisions and Clarifications in Requirements for the Processing of Donated Foods	0584-AD76
FSP: Unauthorized Redemption and Trafficking in Program Benefits	0584-AD79
School Breakfast Program: Severe Need Assistance	0584-AD82
Marketing and Sale of Fluid Milk in Schools	0584-AD83

Food and Nutrition Service - Long-term Action

Title	Regulation Identifier Number
Nutrition Standards in the National School Lunch and School Breakfast Programs	0584-AD59
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages	0584-AD77

Food and Nutrition Service - Completed Action

Title	Regulation Identifier Number
Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions	0584-AD45
Special Nutrition Programs: Fluid Milk Substitutions	0584-AD58

Forest Service - Proposed Rule

Title	Regulation Identifier Number
Species Surplus to Domestic Manufacturing Needs	0596-AB27
Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45

Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596-AB75
Grazing Permit Administration (FSH 2209.13, Chapters 10 and 20)	0596-AC12
Recreation Event Fees (Forest Service Manual, Chapter 2720)	0596-AC24
Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands	0596-AC31
Advertising and Sponsorship in Connection With Concessions Involving Privately Owned Improvements on National Forest System Lands (Forest Service Manual 2340)	0596-AC41
Linear Right-of-Way Rental Payment Schedule	0596-AC48
Ground Water Resource Management Policy Direction (Forest Service Manual, Chapter 2560 and Forest Service Handbook 2709.11)	0596-AC51
Categorical Exclusion for Ski Area Resort Activities (FSH 1909.15, Chapter 30)	0596-AC53
Publicly Managed Recreation Opportunities (Forest Service Manual (FSM) 2300, 2330, 2340)	0596-AC64
Administrative Issuances; Involving the Public in the Formulation of Forest Service Directives	0596-AC65
Land Management Planning Handbook, Land Management Plan (FSH 1909.12, Chapter 10)	0596-AC66
Sacred Sites Management, Tribal Government Relations (FSM 1560)	0596-AC69
Water Quality Management and Best Management Practices for Water and Soil Conservation	0596-AC71
Habitat Planning and Evaluation, Bighorn Sheep vs Domestic Sheep	0596-AC72
Burned Area Emergency Response (BAER) (FSM 2523)	0596-AC73
Post-Event Recovery Program	0596-AC75
Law Enforcement Prohibitions	0596-AC76
Invasive Species Management	0596-AC77
Down Payment; Periodic Payments	0596-AC80
Pest and Disease Revolving Loan Fund	0596-AC83
Community Forest and Open Space Conservation Program	0596-AC84
Forest Products for Traditional and Cultural Purposes	0596-AC85

Forest Service - Final Rule

Title	Regulation Identifier Number
Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596-AB21
Law Enforcement Support Activities	0596-AB61
Special Forest Products and Forest Botanical Products	0596-AB81
Locatable Minerals	0596-AB98
Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts	0596-AC16
Predator Damage Management (Forest Service Manual, Chapter 2320)	0596-AC22
Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts)	0596-AC26
Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations	0596-AC38
Travel Management (Forest Service Manual 2300 and 7700)	0596-AC39
Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses	0596-AC42
Small Business Administration Timber Sale Set-Aside Program	0596-AC46
Outfitter and Guide Special Use Authorizations (Forest Service Handbook 2709.11, Chapter 40)	0596-AC50
Processing Applications for Wind Energy Development on National Forest System Lands (Forest Service Manual 2720)	0596-AC61
Special Areas; State-Specific Inventoried Roadless Area Management: Colorado	0596-AC74
Market-Related Contract Term Additions Regulations	0596-AC79
Technical Changes to Lands, Special Uses Regulations	0596-AC81

Forest Service - Long-term Action

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Title	Regulation Identifier Number
Special Areas; State Specific Inventoried Roadless Area Management: Virginia	0596-AC58
Special Areas; State Specific Inventoried Roadless Area Management: North Carolina	0596-AC59
Land Management Planning Handbook, Forest Vegetation Resource Planning (FSH 1909.12, Chapter 60)	0596-AC63

Forest Service - Completed Action

Title	Regulation Identifier Number
Indian Allotments on National Forest System Lands	0596-AA52
Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003	0596-AC15
Outfitter and Guide Special Use Authorizations (Forest Service Handbook 2709.11, Chapter 30)	0596-AC25
Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires	0596-AC30
Piscicide Applications on National Forest System Lands	0596-AC33
Forest Service Renewable Resources Handbook (2409.19), Chapter 60, Stewardship Contracting	0596-AC45
Forest Service National Trail Management Classification System (Interim Final Directive, FSM 2330)	0596-AC47
Forest Service National Environmental Policy Act Procedures	0596-AC49
Sensitive Species and Endangered Species Act Consultation for Land Management Plans (Forest Service Manual 2670)	0596-AC54
Threatened, Endangered, and Sensitive Species, Habitat Management and Biodiversity Conservation (Proposed Directive, FSM 2670)	0596-AC55
Special Areas; State-Specific Inventoried Roadless Area Management: Idaho	0596-AC62

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

RIN: 0503-AA33

 [View Related Documents](#)

Title: Designation of Biobased Items for Federal Procurement, Round 5

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 2902 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-171, sec 9002

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/23/2008	73 FR 63297
NPRM Comment Period End	12/22/2008	
Final Action	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.biobased.oce.usda.gov

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Department of Agriculture (USDA)
 Office of the Secretary (AgSEC)

RIN: 0503-AA34

 [View Related Documents](#)

Title: Designation of Biobased Items for Federal Procurement, Round 6

Abstract: USDA is proposing to amend 7 CFR part 2902, to designate the following items within which biobased products would be afforded Federal procurement preference: Disposable Tableware; Expanded Polystyrene Foam Recycling Products; Gasoline Fuel Additives (ethanol-based); Ink Removers and Cleaners; Metal Cleaners, including Stainless Steel Cleaners and Other Metal Cleaners as subcategories; Multipurpose Lubricants; Paint Removers; Personal Insect Repellents; Specialty Precision Cleaners and Solvents; and Water Turbine Bearing Oils.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 2902 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246, sec 9002

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Office of the Secretary (AgSEC)

RIN: 0503-AA35

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Title: Voluntary Labeling Program for Designated Biobased Products

Abstract: The purpose of the program is to provide a "USDA Certified Biobased Product" label for use on biobased products meeting certain criteria to be established in the proposed rule, to specify those criteria for gaining use of the label, establish a system to make the label available to manufacturers and vendors of biobased products, and to establish the labeling program.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 2904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: No

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Department of Agriculture (USDA)

Office of the Secretary (AgSEC)

RIN: 0503-AA36

 [View Related Documents](#)

Title: Designation of Biobased Items for Federal Procurement, Round 7

Abstract: Designates bath products; concrete and asphalt cleaners, including microbial and non-microbial concrete and asphalt cleaners as subcategories; corrosion removers; dishwashing detergents; floor cleaners and protectors; hair cleaning products, including shampoos and conditioners as subcategories; microbial cleaners; oven and grill cleaners; slide way lubricants; and thermal shipping containers, including durable and non-durable thermal shipping containers as subcategories.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 2902 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: No

Related RINs: Related to 0503-AA26

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Department of Agriculture (USDA)

Office of the Secretary (AgSEC)

RIN: 0503-AA21

 [View Related Documents](#)

Title: General Nonprocurement Regulations

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3020 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 5 USC 901 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/16/2003	68 FR 41947
NPRM Comment Period End	08/15/2003	
Final Action	05/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Federalism: Undetermined

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Department of Agriculture (USDA)

Office of the Secretary (AgSEC)

RIN: 0503-AA30

 [View Related Documents](#)

Title: Designation of Biobased Items for Federal Procurement, Round 2

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 2902 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-171, sec 9002

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/17/2006	71 FR 47566
NPRM Comment Period End	10/16/2006	
Final Action	05/14/2008	73 FR 27928

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.biobased.oce.usda.gov

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Department of Agriculture (USDA)
 Office of the Secretary (AgSEC)

RIN: 0503-AA31

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Title: Designation of Biobased Items for Federal Procurement, Round 3

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, biodegradable cutlery, glass cleaners, greases, dust suppressants, carpets, and carpet and upholstery cleaners.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 2902 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-171, sec 9002

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/17/2006	71 FR 47590
NPRM Comment Period End	10/16/2006	
Final Action	05/14/2008	73 FR 27958

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Office of the Secretary (AgSEC)

RIN: 0503-AA32

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Title: Designation of Biobased Items for Federal Procurement, Round 4

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

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

RIN: 0518-AA03

 [View Related Documents](#)

Title: General Administrative Policy for Non-Assistance Cooperative Agreements

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3318(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	07/26/2007	72 FR 41027
NPRM Comment Period End	09/24/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0524-AA25

 [View Related Documents](#)

Title: Matching Requirements for Formula Funds at the 1890 Land-Grant Institutions and at the 1862 Land-Grant Institutions in the District of Columbia and the Insular Areas

Abstract: Passage of the Food, Conservation, and Energy Act of 2008, 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 the District of Columbia and the insular areas. Issues regarding the use of matching funds, sources of matching funds, and matching waivers for the 1862 Land-Grant Institutions in the District of Columbia and the insular areas need to be clarified.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3431 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 361a et seq; 7 USC 341 et seq; 7 USC 3222d

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/29/2003	68 FR 23014
NPRM Comment Period End	06/30/2003	
NPRM	12/00/2008	
NPRM Comment Period End	02/00/2009	
Final Action	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

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

RIN: 0524-AA26

 [View Related Documents](#)

Title: CSREES Agricultural Extension Formula Programs--Administrative Provisions

Abstract: Passage of the Food, Conservation, and Energy Act of 2008, Farm Security and Rural Investment Act of 2002, sections 7212 and 7213, has resulted in the need for CSREES to codify its policies and procedures for the distribution of funding, matching requirements, carryover provisions, and reporting requirements for extension programs at 1862 Land-Grant Institutions and 1890 Land-Grant Institutions.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3436 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 341 et seq; 7 USC 3221

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2009	
NPRM Comment Period End	06/00/2009	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 0524-AA38

 [View Related Documents](#)

Title: Equity in Educational Land-Grant Status Act of 1994 Programs

Abstract: Passage of the Food, Conservation, and Energy Act of 2008, section 7402, amended section 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 with the addition of a new 1994 Land-Grant Institution. It also resulted in the need for CSREES to clarify its redistribution of funding for those institutions receiving endowment funds that do not have accreditation or declines the endowment funds.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0524-AA40

 [View Related Documents](#)

Title: Hispanic-Serving Agricultural Colleges and Universities Endowment Program

Abstract: Section 7101 of the Food, Conservation, and Energy Act of 2008 (FCEA), establishes the Hispanic-Serving Agricultural Colleges and Universities (HSACUs). FCEA section 7128 authorized an endowment program for the HSACUs. These regulations will establish a process for distribution of endowment funds and the administration of this program.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3437 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3243

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2009	
NPRM Comment Period End	06/00/2009	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0524-AA43

 [View Related Documents](#)

Title: Determination of Veterinary Shortage Situations for the Veterinary Loan Repayment Program

Abstract: Section 7105 of the Food, Conservation, and Energy Act of 2008, amended subsection (b) of section 1415A of the National Agricultural Research, Extension, and Teaching Act of 1977 to require USDA to determine veterinary shortage situations in the administration of the Veterinary Medicine Loan Repayment Program. This rule will establish criteria and processes for designating veterinary services shortages areas specifically for the Veterinary Medicine Loan Repayment Program.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3432 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 3151a

Legal Deadline:

Action	Source	Description	Date
NPRM	Statutory	Date of enactment of the Food, Conservation, and Energy Act of 2008 NPRM	03/15/2009

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	
Final Action	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0524-AA53

 [View Related Documents](#)

Title: Veterinary Medicine Loan Repayment Act Program

Abstract: Section 7105 of the Food, Conservation, and Energy Act of 2008, amended section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require USDA to promulgate regulations within 270 days of enactment for the Veterinary Medicine Loan Repayment Program. This rule establishes the administration of the Veterinary Medicine Loan Repayment Program, which includes the application process, agreement process, terms and conditions of awards, and monitoring and oversight of agreements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3433 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3151a

Legal Deadline:

Action	Source	Description	Date
NPRM	Statutory	Date of enactment of the Food, Conservation, and Energy Act of 2008 NPRM	03/15/2009

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	
NPRM Comment Period End	03/00/2009	
Final Action	05/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

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

RIN: 0524-AA39

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Title: Hispanic-Serving Agricultural Colleges and Universities Certification Process

Abstract: Section 7101 of the Food, Conservation, and Energy Act 2008 (FCEA), establishes a new set of institutions -- Hispanic-Serving Agricultural Colleges and Universities, which are eligible for existing programs as new programs authorized specifically for those institutions under section 7128 of FCEA. These regulations will establish a process to identify and certify Hispanic-Serving Institutions that offer associate, bachelors, or other accredited degree program in agriculture-related field.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3434 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3243

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2009	
Interim Final Rule Comment Period End	05/00/2009	
Final Action	08/00/2009	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Cooperative State Research, Education, and Extension Service (CSREES)

RIN: 0524-AA45

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Title: McIntire-Stennis Cooperative Forestry Act Program--Administrative Provisions

Abstract: Section 7412 of the Food, Conservation, and Energy Act of 2008 (FCEA), amended the McIntire-Stennis Act to provide eligibility to the 1890 Land-Grant Institutions for this program. In addition, policies and procedures for this program need to be codified (i.e., administrative provisions).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3435 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 582a-i

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2009	
Interim Final Rule Comment Period End	05/00/2009	
Final Action	08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
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RIN: 0524-AA47

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Title: Competitive and Noncompetitive Non-Formula Programs--Administrative Provisions

Abstract: The passage of the Food, Conservation, and Energy Act of 2008, amended various Agency program authorities

(e.g., expand eligibility) and authorized new programs. This rule codifies administrative provisions for all nonformula grant programs, as well as policies and procedures applicable to specific grant programs.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3430 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 3318

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/2008	
Interim Final Rule Comment Period End	09/30/2008	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

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

RIN: 0524-AA58

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Title: Competitive and Noncompetitive Nonformula General Administrative Provisions and Program-Specific Administrative Provisions

Abstract: The Food, Conservation, and Energy Act of 2008 (FCEA) established and authorized some new programs as well as expanded eligibilities and authorities for existing programs. These subparts will establish program-specific administrative provisions for the following programs impacted by FCEA: Agriculture and Food Research Initiative (AFRI); Integrated Research, Education, and Extension Competitive Grants Programs (IRENE); and the Organic Agriculture Research and Extension Initiative (OREI).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3430, subparts G, II, and JJ (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 450i(b); 7 USC 7626; 7 USC 5925a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/2008	
Interim Final Rule Comment Period End	01/00/2009	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 0524-AA34; Previously Reported as 0524-AA35; Previously Reported as 0524-AA48

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Department of Agriculture (USDA)
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RIN: 0524-AA59

 [View Related Documents](#)

Title: Competitive and Noncompetitive Nonformula General Administrative Provisions and Program-Specific Administrative
Abstract: The Food, Conservation, and Energy Act of 2008 (FCEA) amended section 7405(c) of the Fair Security and Rural Investment Act of 2002. This subpart will establish program-specific administrative provisions for the Beginning Farmer and Rancher Development Program (BFRDP).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3430, subpart LL; Beginning Farmer and Rancher Development Prog (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3319f(c)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	
Interim Final Rule Comment Period End	02/00/2009	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 0524-AA36

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Department of Agriculture (USDA)
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RIN: 0524-AA60

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Title: Competitive and Noncompetitive Nonformula General Administrative Provisions and Program-Specific Administrative

Provisions

Abstract: The Food, Conservation, and Energy Act of 2008 (FCEA) amended several existing program authorities. This subpart will establish program-specific administrative provisions for these programs.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 3430, subparts H, I, J, K, L; 7 CFR 3430, subparts M, N, O, P, Q, R, S, T,; 7 CFR 3430, subparts W, X, Y, Z, AA, BB, CC,; 7 CFR 3430, subparts EE, FF, GG, HH, KK, MM,; 7 CFR 3430, subparts OO, and PP (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3318

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/2009	
Interim Final Rule Comment Period End	06/00/2009	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

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

RIN: 0524-AA54

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Title: 1890 Research Formula Grant Program--Administrative Provisions

Abstract: This regulation will establish policies and procedures for the administration of the research formula grants to the 1890 Land-Grant institutions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3440 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3221

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	
NPRM Comment Period End	02/00/2010	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0524-AA55

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Title: Animal Health and Disease Research Program--Administrative Provisions

Abstract: This regulation will establish policies and procedures for the administration of the Animal Health and Disease Research Formula Grants to state accredited colleges and universities and the State Agricultural Experiment Station.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3441 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3195

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	
NPRM Comment Period End	02/00/2010	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0524-AA56

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Title: Hatch Act Formula Grant Program--Administrative Provisions

Abstract: This regulation will establish policies and procedures for the administration of the Hatch Act Formula Grants to the 1862 Land-Grant institutions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3438 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 361a to 361i

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	
NPRM Comment Period End	02/00/2010	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

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

RIN: 0524-AA57

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Title: Hatch Multistate Research Fund Programs--Administrative Provisions

Abstract: This regulation will establish policies and procedures for the administration of the Hatch Multistate Research Fund available to the 1862 Land-Grant institutions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3439 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 361a to 361i

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	
NPRM Comment Period End	02/00/2010	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0551-AA71

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Title: Technical Assistance for Specialty Crops (TASC) Program

Abstract: The TASC program provides funds to eligible organizations, on a grant basis, to implement activities that are intended to address sanitary, phytosanitary, and technical barriers that prohibit or threaten the export of U.S. specialty crops that are available on a commercial basis. The current regulations will incorporate proposed changes to improve stakeholder effectiveness and the internal administration of the program. The changes increase the amount of funding that a participant can request in a given year; remove the prohibition that limits proposals to 3 years; and remove the prohibition limiting participants to no more than three approved projects underway at any given time.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1487 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: Undetermined

Energy Affected: Undetermined

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

RIN: 0551-AA72

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Title: Market Access Program (MAP)

Abstract: The MAP forms a partnership between non-profit U.S. agricultural trade associations, U.S. agricultural cooperatives, non-profit State-regional trade groups, small businesses, and USDA's Commodity Credit Corporation to share the costs of overseas marketing and promotional activities such as consumer promotions, market research, trade shows, and trade servicing. The proposed rule revises and amends the USDA Commodity Credit Corporation's MAP regulations, 7 CFR 1485. These revisions are intended to improve the program's effectiveness and efficiency; revise outdated language, including incorporating the organizational changes resulting from FAS' recent reorganization; and provide detailed clarifications to such topics as application requirements, participant eligibility, the review/allocation/compliance processes, reimbursement rules, and contracting and risk management procedures.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1485 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: Undetermined

Energy Affected: No

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

RIN: 0551-AA73

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Title: Facility Guarantee Loan Program (FGP)

Abstract: The FGP provides export credit guarantees for export sales of U.S. agricultural commodities under the Export Credit Guarantee (GSM-102) program and the Intermediate Export Credit Guarantee (GSM-103) program. Under the provisions of the Food, Conservation, and Energy Act of 2008, regulations will incorporate changes to simplify the implementation and application process of the FGP program. Improvements to the application process will be incorporated into the proposed updated regulations. USDA will incorporate program changes that resulted from automation of the sales registration process, the establishment of regional programs, and changes to construction requirements. USDA needs to add and refine definitions within the regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1493 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: Undetermined

Energy Affected: No

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

RIN: 0551-AA74

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Title: Export Credit Guarantee Programs: Elimination of Intermediate Term Guarantee (GSM-103) Program and Export Enhancement Program; Amend Regulations for Export Credit Guarantee (GSM-102) Program

Abstract: Under the provisions of the Food, Conservation, and Energy Act of 2008, regulation changes will incorporate updates to the Export Credit Guarantee Programs. The purpose is to repeal all reference to the GSM-103 program and the Export Enhancement Program, and to incorporate improvements and changes to the implementation and operation of the GSM-102 program. The improvements to the GSM-102 program over the last 25 years of its operation will be incorporated into the proposed updated regulations. USDA will incorporate program changes that resulted from automation of the sales registration process; changes to program announcements; the establishment of regional programs and a fee payment deadline; and changes to data requirements for evidence of export and claims processing, submission, and payment. USDA needs to add and refine definitions within the regulations and clarify the examples provided within the regulations on claims and pro-rata payments.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1493 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: Undetermined

Energy Affected: No

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

RIN: 0551-AA78

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Title: McGovern-Dole International Food for Education and Child Nutrition (McGovern-Dole Program) Program and Food for Progress (FFP) Program

Abstract: The McGovern-Dole Program helps promote education, child development, and food security for some of the world's poorest children. It provides for donations of U.S. agricultural products, as well as financial and technical assistance for school feeding, and maternal and child nutrition projects in low-income countries. The FFP is targeted to countries that are making strides toward democracy and private enterprise. The program emphasizes private sector agricultural and economic development and enhanced food security in recipient countries. This proposed rule would amend the regulations at 7 CFR parts 1499 and 1599 used to administer the McGovern-Dole Program and the FFP, respectively, by removing obsolete references to offices within the U.S. Department of Agriculture (USDA), and by making revisions to provide greater clarity with respect to all aspects of the program, with specific emphasis on: The eligibility requirements that a participant must meet and the actions that must be undertaken by a participant in order to receive assistance under these programs including the reports that are filed by program participants with the Foreign Agricultural Service (FAS). The commodity procurement regulations at 7 CFR part 1496 which are used to obtain commodities under these programs would be deleted and republished, with minor revisions, in the Agriculture Acquisition Regulation (AGAR) in chapter 4 of title 48 of the Code of Federal Regulations. The AGAR would also be amended to specify the criteria used in determining whether a purchased commodity is solely a product of the United States. The criteria would be applicable to commodities procured under international and domestic feeding programs administered by USDA.

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

RIN: 0551-AA68

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Title: Quality Samples Program (QSP)

Abstract: Rule finalizes regulations applicable to the QSP, currently authorized by section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f). This final rule would codify existing guidelines. The rule provides 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1483 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 44 USC 3501; 15 USC 714

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/03/2006	71 FR 43992
NPRM Comment Period End	10/02/2006	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.fas.usda.gov

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

RIN: 0551-AA75

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Title: Elimination of Regulation: Supplier Credit Guarantee Program (SCGP)

Abstract: The SCGP guarantees a portion of payments from importers under short-term financing that exporters have extended directly to the importers for the purchase of U.S. agricultural commodities and products. These direct credits must be secured by promissory notes signed by the importers. This program has not been in operation since July 2005. Under the provisions of the Food, Conservation, and Energy Act of 2008, the SCGP has been repealed; therefore, the regulations will be deleted.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1493 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: Undetermined

Energy Affected: No

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

RIN: 0551-AA69

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Title: Market Access Program (MAP)

Abstract: Advanced notice of proposed rulemaking (ANPRM) has been withdrawn. The withdrawal of the ANPRM has been replaced with OMB Control #0551-AA72.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1485 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	05/23/2007	72 FR 28901
Public Hearing	07/25/2007	72 FR 28901
Withdrawn (Refer to FAS RIN 0551-AA72)	08/12/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: www.fas.usda.gov

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

RIN: 0551-AA70

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Title: Dairy Import Licensing Program

Abstract: The Foreign Agricultural Service will publish a final rule for the Dairy Import Licensing Program, 7 CFR part 6. This final rule would suspend the historical penalty provision for a period of 5 years. This temporary suspension is intended to improve program administration, and reflect changes in the markets for cheese and other dairy products subject to import licensing requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 6 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 19 USC 1202; 19 USC 3513 and 3601; 31 USC 9701

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/04/2007	72 FR 56677
NPRM Comment Period End	11/05/2007	
Final Action	09/16/2008	73 FR 53355

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0560-AH77

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Title: Tobacco Transition Program, Final Dates for Program Signup and Successor-in-Interest Transfers

Abstract: The Tobacco Transition Payment Program (TTPP), which began in 2005, will end in 2014 and provides payments to assist tobacco quota holders and producers to transition to a free tobacco market from the previously federally regulated program. The final rule will establish deadlines to end the TTPP signup period and the option for contract holders to, in essence, sell their contracts to a third party. The final rule contains two Commodity Credit Corporation (CCC) deadlines for TTPP holders and producers of quota tobacco and for owners of Successor-in-Interest (SII) contracts: • Enrollment in TTPP will end 60 days after publication of the final rule and • the option for the owner of a TTPP contract to take the following actions will end 90 days after publication of the final rule: (1) Enter into an SII contract or the current owner of an SII contract to enter into a successive SII contract (a successor contract essentially sells a contract); (2) transfer a TTPP contract to a family member; or (3) transfer a TTPP contract to a producer who had purchased marketing quota prior to October 22, 2004, and assigned the quota to a farm the producer did not own. The deadlines for entering into or selling a TTPP contract will apply to tobacco quota holders and producers and to those who have SII contracts. Quota holders are persons who, as of October 22, 2004, had either a fee simple interest or life estate interest in a farm for which FSA established a farm basic tobacco marketing quota for the 2004 marketing year. Producers are owners, operators, landlords, tenants, or sharecroppers who shared in the risk of producing tobacco on a farm (where tobacco was produced or considered planted) pursuant to a tobacco poundage quota or acreage allotment assigned to the farm for the 2002, 2003, or 2004 marketing years. Those who have SII contracts may be financial institutions or other entities that purchased TTPP contracts from the original contract holder but now wish to resell the contracts.

Priority: Other Significant
 Major: No
 CFR Citation: 7 CFR 1463 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: PL 108-357
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No
 Federalism: No
 Energy Affected: No
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Government Levels Affected: No

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

RIN: 0560-AH09

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Title: Debt Collection, Debt Settlement, and Assignment of Payments

Abstract: The Farm Service Agency (FSA) and the Commodity Credit Corporation (CCC) are revising debt collection and settlement regulations to conform with the Debt Collection Improvement Act of 1996 (DCIA), the Federal Claims Collection Standards (FCCS), and to make other changes.

Priority: Other Significant
 Major: No
 CFR Citation: 7 CFR 792; 7 CFR 1403; 7 CFR 1404 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 1989; 31 USC 3701; 7 USC 1932
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
 Sectors Affected: 11
 Related RINs: Previously Reported as 0560-AF22
 Agency Contact: Deirdre Holder
 Director, Regulatory Review Group
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Government Levels Affected: No

Federalism: No

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

RIN: 0560-AH17

 [View Related Documents](#)

Title: Disaster Declaration and Designation

Abstract: This rule will move regulations used by the Farm Service Agency (FSA) from chapter XVIII of the Code of Federal Regulations, formerly used by the predecessor to FSA, the Farmers Home Administration, to chapter VII, the chapter where most FSA rules are promulgated. This rule also clarifies and simplifies procedures for identifying disaster areas, reorganizes provisions in a more logical manner, and removes administrative provisions. The intent of this rule is to update regulations to match the current USDA structure.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 791; 7 CFR 1945 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1961; 7 USC 1989

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deirdre Holder

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

RIN: 0560-AH56

 [View Related Documents](#)

Title: Appraisal Requirements for Farm Ownership Loans

Abstract: This proposed amendment will provide that, for a loan that is not a Farm Ownership Loan, evaluation of the rights to any associated oil, gas, and minerals will not be required for the appraisal to be considered adequate. Conversely, any and all oil, gas, and mineral rights attached to any real estate property being offered as security for a Farm Ownership Loan will be required to be evaluated in any real estate appraisal obtained by FSA in connection with the loan decision. Failure to include oil, gas, and minerals in the appraisal for a loan that is not a Farm Ownership Loan will in no way impair the Agency's ability to obtain our rights associated with a mortgage, deed of trust, or other security interest in such oil, gas, and minerals.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 761 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1989

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH66

 [View Related Documents](#)

Title: Interest Rates on Farm Service Agency Farm Loan Programs Guaranteed Loans

Abstract: In 7 CFR 762.124, USDA is considering a modification of the following section on interest rates, terms, charges, and fees: Neither the interest rate on the guaranteed portion nor the unguaranteed portion may exceed the rate the lender charges its average agricultural loan customer. At the request of the Agency, the lender must provide evidence of the rate charged the average agricultural loan customer. This evidence may consist of average yield data or documented administrative differential rate schedule formulas used by the lender. Thus, FSA is proposing to amend its guaranteed loan regulations at 7 CFR part 762.124(a)(3) to provide that the interest rates charged on FSA Guaranteed Farm Loans must be based on a published index.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 762 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 1989 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0560-AH68

 [View Related Documents](#)

Title: Defense Priorities and Allocations System

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" 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deirdre Holder

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

RIN: 0560-AH75

 [View Related Documents](#)

Title: Request for Comment on Changing Regulations Governing Cash and Share Leases for Future Farm Programs

Abstract: The Advance Notice of Proposed Rulemaking will request comments and views regarding current regulations governing cash lease and share lease provisions under the Direct and Counter-Cyclical Program to determine whether the regulations should be revised for future farm programs. Due to current market trends and the increased use of flexible or variable cash leases, the current regulations will be reviewed to determine whether the regulations governing cash lease and share lease provisions under the Direct and Counter-Cyclical Program should be revised. The authority for the Direct and Counter-Cyclical Program expires on September 30, 2007; however, CCC is requesting comment on the current regulations in consideration of future farm programs.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 718 and 1412 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 7911 to 7918, 7951 to 7956; 15 USC 714b and 714c

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	09/28/2007	72 FR 55105-55108
ANPRM Comment Period End	11/27/2007	
Comment Period Extended	12/18/2007	72 FR 71606
Comment Period End	01/17/2008	
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH89

 [View Related Documents](#)

Title: Emergency Forest Restoration Program

Abstract: We are adding a new subpart to the regulations in 7 CFR part 701 to implement the Emergency Forest Restoration Program (EFRP) which was authorized by the 2008 Farm Bill. EFRP will provide cost-share funding to owner of nonindustrial private forest land to restore the land after the land is damaged by a natural disaster. The damaged land must have had a tree cover immediately before the natural disaster. The 2008 Farm Bill authorized such funds as may be necessary to be appropriated to carry out this program; the appropriated amounts are to remain available until expended.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 701 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		06/18/2009

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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

RIN: 0560-AH92

 [View Related Documents](#)

Title: Biomass Crop Assistance Program

Abstract: We are adding a new regulation to implement the Biomass Crop Assistance Program (BCAP) as required by the 2008 Farm Bill. We will collaborate with USDA/Rural Development (RD), private industry, agricultural and forest land owners to support the evaluation and selection of BCAP project areas. BCAP project areas must include a commitment to use local production; evidence of sufficient equity (if the facility is not operational at time of proposal); anticipated economic impacts; opportunities for local ownership; the participation rate by beginning and socially disadvantaged farmers and ranchers; the impact on soil, water, and related resources; and the variety in biomass production approaches. FSA will partner with RD, which has capability and responsibility, including the potential for providing funding for proposed biomass conversion facility, regarding BCAP project area evaluation and selection. After BCAP project area selection, FSA, acting on behalf of Commodity Credit Corporation (CCC), may enter into contracts with BCAP project area producers for a term of up to 5 years for annual and perennial crops and up to 15 years for woody biomass.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR ch XIV, new part (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: Business;
Governmental Jurisdictions; Organizations

Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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

RIN: 0560-AI03

 [View Related Documents](#)

Title: Farm Loan Programs Loan Making Activities

Abstract: The proposed rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion involved in the implementation. The sections being implemented are; 5001, Direct Loans, 5005, Beginning Farmer or Rancher and Socially Disadvantaged farmer or Rancher Contract Land Sales Program Down Payment Loan Program, 5101, Farming Experience as an Eligibility Requirement, 5201, Eligibility of Equine Farmers and Ranchers for Emergency Loans, 5301, Beginning Farmer and Rancher Individual Development Accounts Pilot Program, 5501, Loans to Purchase Highly Fractionated Land. Required changes are: Any farm experience, without regard to time elapsing between farm experiences, will be considered in determining whether a loan applicant meets experience requirements for direct ownership loan eligibility. The Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program Down Payment Loan pilot program initiated in the 2002 Farm Bill will be permanent. Program eligibility is expanded to socially disadvantaged farmers in addition to beginning farmers. The program is similar to the pilot but expands to provide a guarantee of 90 percent of principal and interest in addition to the prompt payment guarantee provided under the

pilot. A transition period is authorized but all changes must be in place for fiscal year 2011. Any farm experience, no matter when it occurred, must be considered in determining whether a loan applicant meets experience requirements for direct operating loan eligibility. For emergency disaster loans, the definition of a farmer or rancher includes equine farmers or ranchers, making equine farmers and ranchers potentially eligible for these loans. A Beginning Farmer and Rancher Individual Development Accounts 5 year pilot program will be established in at least 15 States. The program entails FSA making grants to qualified non-profit organizations who then deliver the program to eligible participants. Grantees must match 50 percent of the grant received. Under the program, qualified, low-income beginning farmers or prospective beginning farmers would establish saving accounts with a monthly deposit plan administered by the grantees. The program funds match must the participants' deposits at a minimum of 100 percent and a maximum of 200 percent. Participants must use the savings account funds toward the purchase of farmland, livestock, or similar farm start-up/operating expenses. The program must be operated by and in conjunction with FSA farm loan programs. The initial applications for the program must be approved no more than one year after the law is enacted. The program is not mandatory; an appropriation of up to \$5 million annually is authorized to fund the program. Individual tribal members will be allowed to qualify for Indian Land Acquisition loans.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 761; 7 CFR 762; 7 CFR 764; 7 CFR 765; 7 CFR 766; 7 CFR 767 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AI04

 [View Related Documents](#)

Title: Conservation Loan Guarantee Program

Abstract: The proposed rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion in how several of the provisions are implemented. The section being implemented is 5002, Conservation Loan and Loan Guarantee. Implementation of this provision will create a new direct and guaranteed loan program direct at assisting farmers in implementing conservation practices. The rule establishes a new loan and loan guarantee program to finance qualifying conservation projects. All guarantees will be at 75 percent of the loan amount. The applicant must have an acceptable conservation plan that includes the project(s) to be financed. Preference is given to beginning farmer and socially disadvantaged applicants, conversion to sustainable or organic production practices, and compliance with highly erodible land conservation requirements. Eligibility for the program is not restricted to those who cannot get credit elsewhere. The program is not mandatory; appropriations are authorized.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 762 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AI05

 [View Related Documents](#)

Title: Loan Servicing; Farm Loan Programs

Abstract: The 2008 Farm Bill requires several changes to the Farm Service Agency (FSA) Farm Loan Program (FLP) loan servicing regulations. The Agency proposes the following revisions: An overall plan will be established to insure that borrowers can be transitioned to private credit in the shortest timeframe practicable. At present, FSA monitors the status of all borrowers to determine if graduation is possible. The 2008 Farm Bill emphasizes this responsibility and insures that FSA uses all the tools available to graduate borrowers to commercial credit as soon as they can financially do so. In 2007, over 2,500 direct borrowers (about 3.7 percent of the portfolio) graduated to commercial credit. The Agency believes graduation will continue in the 3 to 5 percent range and is dependant on the overall farm economy. The right of an FSA borrower-owner to purchase leased property under Homestead Protection will be extended beyond the borrower-owner to the immediate family. Currently, the Agency only has 38 properties in Homestead Protection. Acceleration and foreclosure will be suspended on borrowers who file a claim of program discrimination against the Department or have a claim pending. Interest accrual and offset will also be suspended during the time of moratorium. If the borrower does not prevail in the claim, the interest which would have accrued during the moratorium will be due and offset on the account will be reestablished.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 765; 7 CFR 766 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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

RIN: 0560-AG90

 [View Related Documents](#)

Title: Selection of FSA State and County Committees

Abstract: This action will amend the regulations to implement the provisions of the 2002 Farm Bill relating to the establishment of FSA county, area, and local committees. The statute provides that committees shall have from three to five members, that they shall be representative of the producers in the area, and that the term of office shall not exceed 3 years. It also provides that the Secretary shall solicit nominations from organizations representing the interests of socially disadvantaged groups and, if determined necessary, promulgate uniform guidelines for conducting elections that will ensure fair representation of socially disadvantaged groups. The Secretary may also ensure inclusion of socially disadvantaged farmers by appointing one additional voting member to a committee. The rule will provide for election procedures, including nominations, opening of ballots, and reporting of results. Further, the rule will eliminate community committees from the existing regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 7; 7 CFR 710 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-171

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	08/17/2004	69 FR 51052
Comment Period End	09/22/2004	69 FR 56742
Notice	01/18/2005	70 FR 2837
NPRM	11/28/2006	71 FR 68755
Correction	01/12/2007	72 FR 1467
NPRM Comment Period End	01/29/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Sectors Affected: 11

Agency Contact: Deirdre Holder

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

RIN: 0560-AH43

 [View Related Documents](#)

Title: Emergency Conservation Program

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

expended.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR 701 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-148, division B

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/26/2006	71 FR 30263
NPRM Comment Period End	06/26/2006	
Final Action	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH60

 [View Related Documents](#)

Title: Farm Storage Facility Loan (FSFL) and Sugar Storage Facility Loan (SSFL) Programs

Abstract: We are amending the regulations to implement provisions of the 2008 Farm Bill concerning storage facility loans. The Commodity Credit Corporation (CCC) Charter Act authorizes CCC to provide financing for producers to build or upgrade farm storage and handling facilities. The 2008 Farm Bill requires changes to the storage facility loan program, including increasing the loan limit, increasing the term limit, and adding hay and renewable biomass as eligible stored commodities. The 2008 Farm Bill changes have been added into this rule, which will amend the regulations to clarify procedures for the storage of ineligible commodities in financed structures. An amendment to provisions of the Sugar Storage Facility Loan (SSFL) Program will eliminate penalty for prepayment specifically for SSFL. Hay and renewable biomass as eligible FSFL commodities. Detailed definitions of hay and renewable biomass are also included. The maximum loan term will increase to 12 years. The regulation will authorize loan terms of 7, 10, or 12 years with the term dependent on the loan principal. The regulations will also be amended to increase the useful life of FSFL structures from 10 to 15 years. The FSFL maximum principal amount will increase to \$500,000 from the current limit of \$100,000 per eligible borrower signing the note and security agreement. One partial disbursement of loan principal and one final disbursement of loan principal, as determined appropriate and subject to acceptable documentation, will be allowed. The purpose of the partial disbursement is to facilitate the purchase and construction of an eligible facility. For loans where the principal is equal to or under \$50,000, the actual storage structure constitutes the sole security for the collateral, although severance agreements must be obtained from any prior lien holders on the real estate parcel on which the storage facility is located. The borrower will be allowed to forgo obtaining severance agreements if the down payment is increased by an amount determined appropriate by the Secretary, or other acceptable security is provided. For all loans with the principal over \$50,000 or where the borrower's aggregate outstanding loan balance will exceed \$50,000, additional security is required in the form of a mortgage on the real estate parcel on which the structure is located or another form of security acceptable to the Secretary such as a deed of trust or irrevocable letter of credit. The borrower will be allowed to define another sub parcel of real estate as security if a mortgage on the real estate where the facility is located is not possible. This sub parcel, with the approval of the Secretary, must be of adequate size and value to adequately secure the loan and not be subject to any other liens or mortgages that are superior to the lien interest of CCC. In addition to the changes to the FSFL and SSFL programs mandated by the 2008 Farm Bill, the following changes to the regulations will also be made to clarify certain procedures for FSFL loans. - When a loan is approved, the eligible borrower or entity must be the same as for other FSA

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH69

 [View Related Documents](#)

Title: Acreage Reporting and Common Provisions

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 718 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-357

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH80

 [View Related Documents](#)

Title: Conservation Reserve Program

Abstract: Regulatory changes are required to implement changes to the CRP by the 2008 Farm Bill which include: - General authority to address issues raised by State, region, and national conservation initiatives; - Enrollment authority at 39.2 million acres for 2008 and 2009 and, for FY 2010 to 2012, reduced to up to 32 million acres; - Alfalfa grown in long-term certain rotations to be considered eligible; - For FWP, adds eligibility for constructed wetlands to provide nitrogen removal in tile-drained areas, commercial pond-raised aquaculture, and intermittently-flooded land provided the land; - Removes managed grazing and adds routine grazing; - Adds authority to make cost-share payments for 2 to 4 years for thinning of tree stands for the benefit of wildlife and other resource conditions on the land; - Requires NASS annual surveys of county average market dry-land and irrigated cash rental rates for cropland and pastureland; - Adds authority to facilitate a transition of land from a retired or retiring owner or operator to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmers or rancher to return some or all of the land into production using sustainable grazing or crop production methods; and - Adds additional authority to waive the cropland limit in cases limited for continuous or CREP enrollment provided that county government agree.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR part 1410 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Interim Rule	08/22/2008

Timetable:

Action	Date	FR Cite
Interim Rule Comment Period End	11/00/2008	
Interim Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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

RIN: 0560-AH81

 [View Related Documents](#)

Title: Cotton Program Changes for Loans, Loan Deficiency Payments, Upland Cotton, and Extra Long Staple Cotton

Abstract: The final rule will establish and revise cotton program regulations required to implement provisions of the 2008 Farm Bill. Ongoing programs for which regulations are amended are the: (1) Recourse seed-cotton loan program for upland and ELS cotton; (2) non-recourse marketing assistance loans for upland cotton and ELS cotton; and (3) the ELS competitiveness payment program. New regulations are established for the Economic Adjustment Assistance to Users of Upland Cotton Program, a new program established by the 2008 Farm Bill to provide cash payments to domestic upland cotton users. The 2008 Farm Bill requires substantive changes to existing programs that must be reflected in the regulations, including a change in the way the world price for upland cotton is calculated and a reduction in the rate paid for cotton storage.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1427 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Notice	07/25/2008	73 FR 43400
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH82

 [View Related Documents](#)

Title: Farm Loan Programs

Abstract: We are revising the regulations in 7 CFR parts 761, 764, and 766 to implement the following sections of the 2008 Farm Bill as a final rule because there is no discretion involved. Many of the sections require minor revisions to the existing regulations: section 5003–Limitations on the Amount of Farm Ownership Loans, section 5004–Downpayment Loan Program, section 5102–Limitations on the Amount of Farm Operating Loans, and section 5302–Inventory Sales Preferences, Loan Fund Set-Asides.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 761; 7 CFR 764; 7 CFR 766 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
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RIN: 0560-AH83

 [View Related Documents](#)

Title: Milk Income Loss Contract (MILC) Program

Abstract: The final rule will implement the 2008 Farm Bill provisions relating to the Milk Income Loss Contract (MILC) Program. The Farm Bill reauthorizes the program through FY 2012. This rule increases the percentage rate for the payment calculation and increases the payment quantity limitation of eligible pounds of milk per operation beginning in fiscal year 2009; the increased amounts are specified in the 2008 Farm Bill. The final rule also provides for an increase to the MILC payment rate if feed costs increase above a specified level. The feed costs provision is new and required by the 2008 Farm Bill.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1430, subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
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RIN: 0560-AH84

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Title: Direct and Counter-Cyclical Program (DCP)

Abstract: The Direct and Counter-Cyclical Program regulations need to be revised to implement provisions of the pending Farm Bill regarding direct and counter-cyclical payments for the crop years 2008 through 2012. The payments provide income support to producers of eligible commodities, are based on historically-based acreage and yields, and do not depend on the current production choices of the farmer. DCP will continue with some changes; the attachment notes legislative changes that require related changes in the DCP regulations. Overall, the regulatory changes for DCP are consistent with the 2008 Farm Bill, with little to no room for discretionary changes. Implementation of the new ACRE program requires some policy changes for the details. In addition to the Farm Bill changes, we are also clarifying the treatment of cash and share lease provisions because they relate to DCP in addition to other FSA programs.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR 1412 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Notice	06/30/2008	73 FR 36839
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
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RIN: 0560-AH85

 [View Related Documents](#)

Title: Payment Eligibility and Payment Limitation

Abstract: The 2008 Farm Bill requires the implementation of new payment eligibility and payment limitation provisions applicable to most all commodity, price support, and conservation programs. To be effective for the 2009 crop, program or fiscal year, we are issuing an interim rule to implement the new provisions and provide for specific payment limits for affected programs; payment limitation control by attribution to the individual; Adjusted Gross Income limitation requirements for payment recipients; and other eligibility criteria that includes actively engaged in farming requirements, minor child provisions, and payments to estates. Currently, the regulations in 7 CFR Part 1400 cover payment limitation and payment eligibility; those regulations will continue to be effective for 2008. Minor changes may be required to distinguish the existing regulations from the new regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1400 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	07/14/2008	73 FR 40283
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
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RIN: 0560-AH86

 [View Related Documents](#)

Title: Sugar Program

Abstract: The regulations in 7 CFR part 1435 for the Sugar Program are being modified to account for new provisions in the 2008 Farm Bill. In addition, we will clarify the regulations to handle concerns raised since the last sugar program regulation change. There are several significant changes: 1. General Provisions: The applicability period for the new regulations is extended through crop year 2012. Additions to the Definition section (for example, eligible entity). 2. Loan Program: The Loan Rate section must be changed to incorporate new nonrecourse loan rates for raw and refined sugar. Most significant – Add a Feedstock Flexibility Program for Bioenergy Producers to dispose of anticipated surplus sugar supply in the North American Free Trade Agreement (NAFTA) region. Add terms for Storage Facility Loans and Commodity Credit Corporation storage payments. 3. Information Reporting and Recordkeeping Requirements: Modify to incorporate data on the Mexican sugar market. 4. Flexible Marketing Allotments for Sugar: Define new terms (for example, human consumption and market). Extend the applicability period through crop year 2012. Change rules for establishing the overall allotment quantity (OAQ), the most important factor being that domestic processors are guaranteed an OAQ not less than 85 percent of domestic food use demand. In addition, permanent transfer of acreage base histories under proportionate shares will be modified.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR 1435 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
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RIN: 0560-AH87

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Title: Marketing Assistance Loans and Loan Deficiency Payments

Abstract: Regulatory changes are required to extend the Nonrecourse Marketing Assistance Loans (MALs) and Loan Deficiency Payments (LDPs) for 2008 through 2012 crop years. The 2008 Farm Bill explicitly specifies many of the terms and provisions for MALs and LDPs. One significant change in the 2008 Farm Bill with respect to storage, handling, and associated costs, beginning with the 2008 crop of peanuts, the Secretary will pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary. Accordingly, the Secretary will require the repayment of handling and other associated costs paid under this section for all peanuts pledged as collateral for a loan that is redeemed under this section. The provisions for the forfeiture remains unchanged. While updating the

regulations, we will make minor changes for clarification purposes. We are adding the following clarifications to be consistent with 7 CFR part 1421, the MAL and LDP regulation, which includes similar policies for other commodities: - Amending the provisional statement contained in option to purchase contracts to remove the risk of loss component when determining if beneficial interest is maintained by the producer; - Amending the assessment of liquidated damages to clarify the applicable loan rate that is applied to the loan quantity, which CCC determines to be involved in a loan violation, and the portion of the loan that must be repaid; and - Clarifying that producers may repay a honey nonrecourse loan during the loan period, as determined by CCC, at a lower repayment rate, if applicable.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1421; 7 CFR 1434 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Notice	06/10/2008	73 FR 32675
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH88

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Title: Dairy Product Price Support Program

Abstract: The regulations in title 7, part 1430, Dairy Products, subpart A, Price Support Program For Milk, are being modified to account for new provisions in the 2008 Farm Bill. The following changes to the regulations are necessary: 1. The effective period for the regulations must be extended through December 31, 2012. 2. The regulations must be modified to include the revised price support levels and conditions from the Farm Bill for dairy products other than milk, including cheese, butter, and nonfat dry milk. 3. The regulations must include the Farm Bill restrictions placed on the sale of Commodity Credit Corporation inventory, requiring unrestricted sales to be at market prices, but no less than 110 percent of program purchase prices.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1430 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
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Department of Agriculture (USDA)
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RIN: 0560-AH90

 [View Related Documents](#)

Title: Supplemental Revenue Assistance Payments Program (SURE)

Abstract: New regulations in 7 CFR 1480 will implement provisions of the 2008 Farm Bill regarding SURE. SURE utilizes funds from the Agricultural Disaster Relief Trust Fund (Trust Fund) for crop production or quality losses incurred on or before September 30, 2011. The new provisions are for SURE payments to eligible producers on farms in disaster counties and on farms in which weather-related losses exceeded 50 percent of the normal production for that year. The provisions include payments to eligible producers on: - Farms in disaster counties, including contiguous counties that have incurred crop production losses and/or crop quality losses during the crop year, or that incurred a total loss of production, or - Any farm in which, during the calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm. SURE payments will be issued to eligible producers in an amount equal to 60 percent of the difference between the disaster assistance program guarantee and the total farm revenue for a farm. Producers are required to purchase coverage under the Noninsured Disaster Program (NAP) for their eligible crops as a prerequisite to receiving assistance under SURE. For the 2008 crop year only this requirement will be waived for producers who were eligible to purchase crop insurance or NAP coverage for their eligible crops but did not do so. Those producers will be allowed to "buy-in" to the SURE program by paying fees equal to what they would have paid for crop insurance or NAP coverage. Payment of the buy-in fees will provide assistance only under SURE, not coverage under crop insurance or NAP, as applicable. Producers meeting the definition of socially disadvantaged, limited resource, and beginning farmer or rancher will be exempted from the requirement to purchase crop insurance or NAP coverage, and will be waived from payment of buy-in fees, if applicable.

Priority: Economically Significant Agenda Stage of Rulemaking: Final Rule
 Major: Yes Unfunded Mandates: No
 CFR Citation: 7 CFR 1480 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: PL 110-246
 Legal Deadline:

Action	Source	Description	Date
Other	Statutory		06/18/2009

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	
Interim Final Rule Comment Period End	04/00/2009	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
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Department of Agriculture (USDA)
 Farm Service Agency (FSA)

RIN: 0560-AH91

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Title: Prevention of Payments to Deceased Persons

Abstract: We are implementing the requirement in the 2008 Farm Bill to prevent the issuance of program payments to deceased individuals. Currently, the regulation in 7 CFR part 707 covers the manner in which program payments may be issued in cases when a producer dies and is owed payments. However, the new provision is to identify only those specific instances in which payments can be issued to deceased individuals. The new provision will also implement the requirement that FSA reconcile program participant records with records from the Social Security Administration on a regular basis in an effort to prevent improper or erroneous payments to individuals after the date of death.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 707 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
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RIN: 0560-AH93

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Title: Emergency Loss Assistance Program (ELAP)

Abstract: The rule will implement the provisions of the 2008 Farm Bill regarding ELAP payments to producers of livestock, honey bees, and farm-raised fish to reduce losses due to disease, adverse weather, or other conditions such as blizzards and wildfires, as determined by the Secretary that are not covered under other disaster assistance programs. The regulation will be amended to establish the requirements to determine if producers of livestock, honey bees, and farm-raised fish are eligible to receive payments to reduce losses due to disease, adverse weather, or other conditions as determined by the Secretary.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1439 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH94

 [View Related Documents](#)

Title: Livestock Forage Disaster Program (LFP)

Abstract: We are revising LFP regulations to implement provisions of the 2008 Farm Bill. The interim rule will implement the provisions for LFP payments to eligible livestock producers that suffer grazed forage losses due to drought and to eligible livestock producers that suffer grazed forage losses on rangeland that is managed by a Federal agency and on which the livestock are prohibited from grazing due to a fire.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR 1439 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	
Interim Final Rule Comment Period End	04/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH95

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Title: Livestock Indemnity Program (LIP)

Abstract: The 2008 Farm Bill implements a permanent Livestock Indemnity Program (LIP) utilizing funds from the Agricultural Disaster Relief Trust Fund (Trust Fund) for livestock losses incurred on or before September 30, 2011. The interim rule will implement the provisions of the 2008 Farm Bill for LIP payments to eligible livestock producers on farms that have incurred livestock death losses in excess of normal mortality rates during the calendar year due to adverse weather, as determined by the Secretary, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold. LIP payments will be issued based on 75 percent of the fair market value of the livestock on the day before the date of death of the livestock as determined by the Secretary. These payments will be made based on individual producers' losses. No State, county, or other trigger will be used to define an eligible LIP area.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1439 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

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RIN: 0560-AH96

 [View Related Documents](#)

Title: Tree Assistance Program (TAP)

Abstract: The 2008 Farm Bill authorizes the continuation of the Tree Assistance Program (TAP). We are revising the regulations to specify provisions in the 2008 Farm Bill, such as providing assistance to Christmas tree growers; reimbursing producers for 70 percent of the cost for replanting trees; and reimbursing producers for 50 percent of the cost of pruning, removal, and other costs incurred for salvaging the trees. The regulations will apply to 2008 and subsequent program years.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 783 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

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RIN: 0560-AH97

 [View Related Documents](#)

Title: Conservation Compliance

Abstract: We are changing the Conservation Compliance regulations as required by the 2008 Farm Bill. The new rule will implement 2 primary changes. Other minor technical corrections and updates will be included. The primary changes are changes to specify who must concur with approval of good faith determinations and the introduction of the graduated payment penalty for producers who receive a good faith determination. The 2008 Farm Bill requires an administrative review and concurrence of the FSA County Committee good faith relief determination. It also requires USDA to reduce producer program benefits based upon the seriousness of highly erodible land violations when a good faith determination is made in favor of the producer.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 12 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH98

 [View Related Documents](#)

Title: Voluntary Public Access and Habitat Incentive Program

Abstract: We are adding a new regulation in 7 CFR part 1400 to implement the new Voluntary Public Access and Habitat Incentive Program (Public Access), which was authorized by the 2008 Farm Bill. Public Access is a voluntary public access

program under which State and tribal governments may apply for grants to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation including hunting or fishing under programs administered by State and tribal governments. Grant applications must describe the benefits that the State or Tribal government intends to achieve by encouraging public access for hunting, fishing, and recreational purposes and the methods used to achieve those benefits. Priority-selection factors include grant applications that: (1) Provide for widespread acceptance by landowners; (2) ensure there is appropriate wildlife habitat; (3) strengthen wildlife habitat improvement efforts under Conservation Reserve Enhancement Program (CREP); (4) propose to use additional Federal, State, tribal government or private resources; and (5) make available to the public the location of the enrolled land. Grants will be reduced for States that have inconsistent migratory bird hunting dates applicable to residents and non-residents.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1400 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State; Tribal

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH99

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Title: Dairy Indemnity Payment Program

Abstract: This technical amendment will amend the dates of the Dairy Indemnity Payment Program as required by the 2008 Farm Bill.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 760 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Final Rule--Technical Amendment	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No
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Department of Agriculture (USDA)
 Farm Service Agency (FSA)

RIN: 0560-AI00

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Title: Commodity Assessments; Loans, Purchases, and Other Operations

Abstract: The regulations in 7 CFR part 1405 provide the CCC loan interest rate, delegations of authority for CCC programs and activities, crop insurance, etc. In the past, CCC asked commodity associations and other related entities to pay a fee to cover the administrative costs to implement commodity assessment collections, which included modification of the rate of collection or development of automation software. The 2008 Farm Bill prohibits us from charging this fee to recover our administrative costs for commodity assessments. Therefore, we need to change the regulation to remove the reference to that fee. This regulatory change applies solely to section 1405.9, Commodity Assessments. We will remove one phrase from one sentence of the regulations that refers to administrative costs incurred by CCC in the collection of the commodity assessment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1405 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 0560-AI01

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Title: Commodity Incentive Payments; Wheat and Oilseed Programs

Abstract: Regulations need to be added to implement provisions of the 2008 Farm Bill that provide for the establishment of

three commodity incentive programs for the 2009 through 2012 crop years, subject to the availability of appropriations. The Oilseed Quality Incentive Program (OQIP) provides quality incentive payments for the production of oilseeds with specialized traits that enhance human health. The Hard White Wheat Development Program (HWWDP) provides production and seed incentive payments for the planting of hard white wheat to promote the establishment of hard white wheat as a viable market class of wheat in the United States. The Durum Wheat Quality Program (DWQP) compensates for the cost of fungicides applied to a crop of durum wheat to control Fusarium head blight. The final rule will implement the HWWDP, DWQP, and OQIP provisions when appropriations are made available.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1413 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/16/2008

Timetable:

Action	Date	FR Cite
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AI02

 [View Related Documents](#)

Title: Asparagus Market Loss Assistance Payment (AMLAP) Program

Abstract: The 2008 Farm Bill authorizes the Secretary of Agriculture to make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years. We are implementing new regulations for this new program. The Asparagus Market Loss Assistance Payment (AMLAP) Program will utilize \$15 million of Commodity Credit Corporation funds to make payments to asparagus producers. Of the amount available, \$7,500,000 shall be used to make payments to producers of asparagus for fresh market, and the other \$7,500,000 will be used to make payments to producers of asparagus for the processed or frozen market. The direct cash payments to asparagus producers will be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years on each farm unit. A particular farm will be eligible for a payment based on reported loss of revenue, with a maximum eligible payment quantity equal to the average quantity of the 2003 crop of asparagus produced per farm.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1470 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Deirdre Holder

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AI06

 [View Related Documents](#)

Title: Noninsured Disaster Assistance Program (NAP)

Abstract: We are revising the regulations in 7 CFR part 1437 to implement provisions of the 2008 Farm Bill for the Noninsured Disaster Assistance Program (NAP). The rule will increase service fees for NAP; section 12028 specifies the increase in service fees for NAP as follows: From \$100 per crop to \$250 per crop, \$300 per county to \$750 per county, and \$900 per multi county producer to \$1875 per multi county producer. The rule will incorporate the new groups for waivers. Sections 12033 and 15101 expand the waivers for NAP fees already available to limited resource farmers or ranchers to socially disadvantaged and beginning farmers or ranchers. This rule will also implement the provisions addressing eligibility of native sod acreage that is tilled for the production of an annual crop during the first five crop years of planting (not to include areas of five acres or less) and coverage for aquaculture producers that will now include all losses related to drought.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1437 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/00/2008	
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AG49

 [View Related Documents](#)

Title: Ocean Freight Claims Administrative Appeal Process

Abstract: This rule will establish an administrative appeals procedure that would be used by the Commodity Credit Corporation (CCC) with respect to ocean transportation cargo loss and damage claims arising under shipments of agricultural commodities made available by CCC under various foreign donation programs. Whether or not title to the commodities has passed from CCC to a cooperating sponsor, which may be a foreign government, private voluntary organization, or private entity, CCC either retains the right or may be assigned the right to initiate, prosecute, and with certain limited exceptions, retain the proceeds of cargo loss and damage claims. This proposed rule sets forth the administrative appeal system to be used in resolving these claims. The proposed rule would require that any recipient of CCC-donated commodities must include in the contract for the ocean transportation of the commodities a provision that the ocean carrier must agree to participate in this administrative appeal process. The current process requires CCC to file suit against ocean carriers in U.S. District Court to pursue claims that CCC is not able to settle through negotiations. CCC currently does not have an established administrative appeal process to handle the internal review of these cargo claims before the claims are referred to the U.S. Department of Justice for collection through litigation. The total amount of these claims is approximately \$20 million, including \$10 million that has been referred to the Department of Justice. Based upon a review of the programs under which these claims arise, CCC has determined that an administrative appeals system is necessary in order to: (1) Provide a more uniform treatment of these types of claims; (2) handle these types of claims in a manner that is more consistent with the manner in which other CCC claims are handled; and (3) ensure compliance with the Debt Collection Improvement Act of 1996.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1405; 7 CFR 1499; 22 CFR 211 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1431; 7 USC 1736o; 15 USC 714 et seq; 7 USC 1727 to 1727e

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	03/03/2003	68 FR 9944
NPRM Comment Period End	04/02/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AG76

 [View Related Documents](#)

Title: 2002 Farm Bill Regulations--Assistance for Livestock Producers

Abstract: The Secretary may provide assistance to dairy and other livestock producers to cover economic losses incurred by such producers in connection with the production of livestock. The assistance may be: (1) indemnity payments to livestock producers who incur livestock mortality losses; (2) livestock feed assistance to livestock producers affected by shortages of feed; (3) compensation for sudden increases in production costs; and (4) such other assistance, and for such other economic losses, as the Secretary considers appropriate. Appropriations are necessary before this program can be implemented. The legislation provides that funding will be appropriated "as may be necessary to carry out" the program. For comparison, outlays in FY 2001 for the Livestock Assistance, Pasture Recovery, American Indian Livestock Feed, and Livestock Indemnity Programs totaled \$480 million.

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

RIN: 0560-AH23

 [View Related Documents](#)

Title: Conservation Contract Debt Write-Down

Abstract: The Conservation Contract Program, also known as Debt for Nature, will be revised to clarify, correct, and expand on the land eligibility, loan-type eligibility, responsibilities of participating agencies, required inspections by FSA, participation with and relationship to other programs, valuation of the land considered in calculating the debt write-down, and penalties for violations of the contract.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1951; 7 CFR 766 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1989; 7 USC 1997; 7 USC 1932; 31 USC 3716

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Sectors Affected: 11

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

RIN: 0560-AH50

 [View Related Documents](#)

Title: Reassignment of Sugar Allocation Shortfalls

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1435 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 7272

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	11/13/2006	71 FR 66142
NPRM Comment Period End	01/12/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH52

 [View Related Documents](#)

Title: Storage Requirements for Grain Security for Marketing Assistance Loans

Abstract: This rule proposes amending regulations governing the Marketing Assistance Loan Programs of the Commodity Credit Corporation (CCC) that are authorized by the Farm Security and Rural Investment Act of 2002 (2002 Act). The major proposed regulatory changes would impact the administration of the programs by amending regulations governing constraints imposed by CCC on warehouses that store CCC grain and similar commodities pledged as collateral for CCC loans.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1421 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 714b

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	07/03/2006	71 FR 37857
NPRM Comment Period End	08/02/2006	
NPRM	08/10/2006	71 FR 45744
NPRM Comment Period Extended	10/10/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH53

 [View Related Documents](#)

Title: Defining Sugar Subject to Marketing Allocations

Abstract: In 7 CFR 1435.2, USDA is modifying the following definition: Sugar means any grade or type of saccharine product derived, directly or indirectly, from sugarcane, sugar beets, sugarcane molasses, or sugar beet molasses and consisting of, or containing, sucrose or invert sugar, including raw sugar, refined crystalline sugar, edible molasses, edible cane syrup, liquid sugar, and in-process sugar. Currently, sugar produced from imported thick juice and similar sugarcane products such as cane syrup and high test molasses are not charged against a seller's domestic allocation because these products are already considered "sugar," as defined in the sugar marketing allotment program regulation, upon entry to the United States. However, these products are not classified by the Department of Homeland Security, Bureau of Immigration and Customs Enforcement as "sugar." Therefore, they are not subject to the sugar tariff-rate quota. This inconsistency in the definition of sugar permits imported beet thick juice and its cane syrup counterparts to circumvent the sugar program. If this is done in significant quantities, it could negatively impact sugar prices resulting in CCC expenditures for sugar purchases.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1435 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 7272

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
ANPRM	09/08/2006	71 FR 5301
ANPRM Comment Period End	11/07/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH70

 [View Related Documents](#)

Title: Signature Authority

Abstract: If an individual will sign documents in a representative capacity, FSA requires supporting documentation to be on file in the county office authorizing that capacity. Recent audits of field office operations revealed that this supporting documentation was, in many instances, not on file in the county office. However, further reviews discovered that, in most of these cases, an authorized individual had in fact signed program documents, the program benefits were disbursed in correct amounts, and the correct people received the benefits. Instead of requiring the customer to provide the Agency with the supporting documentation, we are updating the regulations to allow producer certification that proper signature authority exists and not require all producers to provide documentation to prove signature authority. This will eliminate paperwork currently required by FSA procedure. We will add a certification statement to all forms requiring a producer's signature, similar to what the Internal Revenue Service uses on many of their forms.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 718 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 1321 to 1359kk, 1501 to 1524, 1921 to 2009dd-7, 7201 to 7333; 15 USC 714b

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH41

 [View Related Documents](#)

Title: Guaranteed Farm Loan Fees

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

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 762 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1981 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/15/2006	71 FR 27978
NPRM Comment Period End	07/14/2006	
Correction	07/27/2006	71 FR 42605
NPRM Comment Period Extended	08/04/2006	
Withdrawn	08/06/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0560-AH55

 [View Related Documents](#)

Title: Guaranteed Loans--Interest To Be Paid on Loss Claims

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 762 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1989 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/27/2007	72 FR 14244
NPRM Comment Period End	05/29/2007	
Final Rule	06/10/2008	73 FR 32635

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0560-AH78

 [View Related Documents](#)

Title: Cotton World Price Determination

Abstract: The final rule will enable the Secretary to continue to comply with the mandate in section 1204 (d) of the Farm Security and Rural Investment Act of 2002 to prescribe by regulation a formula to determine the prevailing world market price for upland cotton. Section 1204 (b) requires the Secretary to permit producers of upland cotton to repay a marketing assistance loan at a rate that is the lesser of (1) the loan rate plus interest or (2) the prevailing world market price (adjusted to United States quality and location). Current regulations provide that the prevailing world price for upland cotton be based on N. Europe price quotes, and further, that beginning in April of each year and continuing for a period of 6 weeks (transition period), the prevailing world price shall be determined using a combination of current crop (current) quotes and new crop (forward) quotes. Cotlook, Ltd., the supplier of N. Europe quotes, has announced that it will not publish forward crop quotes, N. Europe basis, for the 2008 season. In order to comply with the transition period requirement, an alternative source of forward quotes must be identified. A readily available and widely-accepted source of both current and forward cotton price quotes exists with Cotlook's

Far East price quotes. No other source for comparable prices is known. Using the Far East quotes for determining the prevailing world market price for upland cotton will enable the Secretary to continue to comply with the requirements for determining the world price for cotton and the transition period. This program is scheduled to expire on July 31, 2008, and is anticipated to continue under the pending Farm Bill.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1427 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 7934

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	05/27/2008	73 FR 30274

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Farm Service Agency (FSA)

RIN: 0560-AH79

 [View Related Documents](#)

Title: Tobacco Transition Payment Program; Release of Records

Abstract: The Commodity Credit Corporation (CCC) is revising the Tobacco Transition Payment Program (TTPP) regulations to expand the information provided in quarterly notices to tobacco manufacturers and importers about the assessments due to CCC. Under Fair and Equitable Tobacco Reform Act (FETRA), CCC sends out quarterly notices to tobacco manufacturers and importers, informing those entities of the assessments due to CCC. Each notice also provides the entity with certain information described at 7 CFR 1463.8. CCC has withheld from its assessment notices data concerning the market share of each other manufacturer or importer for each applicable class of tobacco product. CCC has withheld this information due to concerns over the confidentiality of such data under the provisions of 26 U.S.C. 6103, which prevents the dissemination of tax information, provided by the Department of the Treasury (Treasury) to Federal agencies, to third parties, with limited exceptions. With regard to FETRA, Treasury provides tax information of tobacco manufacturers and importers to CCC for CCC's use in determining, among other things, the quarterly assessments due by individual tobacco manufacturers and importers. After recently discussing the issue with Treasury, CCC has concluded that it is permissible under the law to release in assessment notices the market share data of those manufacturers and importers that have submitted their returns and forms directly to CCC in accordance with 7 CFR 1463.6. The basis for this conclusion is that 26 U.S.C. 6103 applies to records and information provided by Treasury to CCC, whereas records and information provided by entities directly to CCC are not covered by that law. FETRA repealed the tobacco marketing quota and related price support programs authorized by both title III of the Agricultural Adjustment Act of 1938 and by the Agricultural Act of 1949 and provided for payments to (the now former) tobacco quota holders, and tobacco producers, to assist them in making the transition to a free tobacco market from the previously federally regulated programs. FETRA is funded by assessments on tobacco manufacturers and importers. FETRA requires the release of these records. USDA is requesting emergency clearance in response to a request from the Department of Justice due to pending litigation. The regulatory change is expected to cost less than \$10K per year.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1463 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-357

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	04/29/2008	73 FR 23065

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deirdre Holder

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

RIN: 0563-AB83

 [View Related Documents](#)

Title: General Administrative Regulations; Actual Production History (APH)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 400 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 0563-AC06

 [View Related Documents](#)

Title: General Administrative Regulations; Appeal Procedures and Standards for Approval--Reinsurance Agreement

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 400 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0563-AC10

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Apple Crop Insurance Provisions

Abstract: The purpose of this rule is 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.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0563-AC16

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Nursery Crop Provisions, Nursery Peak Inventory Endorsement, and Nursery Rehabilitation Endorsement

Abstract: This rule is to revise the Nursery Crop Provisions; Nursery Peak Inventory Endorsement and Nursery Rehabilitation Endorsement for the 2011 crop year.

Priority: Routine and Frequent
 Major: No
 CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: 7 USC 1506(l); 7 USC 1506(p)
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
 Agency Contact: Timothy Hoffmann
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Government Levels Affected: No
 Federalism: No

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

RIN: 0563-AB73

 [View Related Documents](#)

Title: General Administrative Regulations; Sanctions--Administrative Remedies for Non-Compliance

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 that 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.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 7 CFR 400 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: 7 USC 1506(l); PL 106-224
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	05/18/2007	72 FR 27981

NPRM Comment Period End	06/18/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No

Federalism: No

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

RIN: 0563-AB96

 [View Related Documents](#)

Title: Common Crop Insurance Regulations and Various Crop Insurance Provisions

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/14/2006	
NPRM Comment Period End	09/12/2006	71 FR 40194
Final Action	04/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0563-AB98

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Tobacco Crop Insurance Provisions

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.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/23/2007	72 FR 288950
NPRM Comment Period End	07/23/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0563-AB99

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Cabbage Crop Insurance Provisions

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.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/16/2006	71 FR 66694
NPRM Comment Period End	01/16/2007	
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
 Federal Crop Insurance Corporation (FCIC)

RIN: 0563-AC09

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Grape and Table Grape Crop Insurance Provisions

Abstract: The purpose of this rule is 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.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/29/2008	73 FR 11054
NPRM Comment Period End	04/29/2008	73 FR 11054
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0563-AC14

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Dry Pea Crop Insurance Provisions

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.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/18/2008	73 FR 3411
NPRM Comment Period End	03/18/2008	73 FR 3411
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0563-AC15

 [View Related Documents](#)

Title: Common Crop Insurance Regulations, Coverage Enhancement Option

Abstract: The purpose of this rule is 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 is to convert the pilot coverage enhancement option insurance provisions to a permanent option.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 457 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/06/2007	72 FR 31199
NPRM Comment Period End	08/06/2007	72 FR 31199
Final Action	07/28/2008	73 FR 43607
Final Action Effective	08/27/2008	73 FR 43607

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Federal Crop Insurance Corporation (FCIC)

RIN: 0563-AC17

 [View Related Documents](#)

Title: Catastrophic Risk Protection Endorsement and the Group Risk Plan of Insurance Regulations

Abstract: The Federal Crop Insurance Corporation (FCIC) amends the Catastrophic Risk Protection Endorsement CAT Endorsement), the Group Risk Plan Common Policy (GRP policy), and the Common Crop Insurance Policy Basic Provisions (Basic Provisions) to incorporate changes mandated by the Food, Conservation, and Energy Act of 2008 (Farm Bill 2008). On May 22, 2008, the 2008 Farm Bill was enacted. Section 12006 of the 2008 Farm Bill requires that each producer pay an administrative fee for catastrophic risk protection (CAT) in the amount of \$300 per crop per county. The provisions are very specific and mandate certain terms that do not allow FCIC any discretion in the provisions or their implementation. Currently, the administrative fee for catastrophic risk protection is \$100 per crop per county. Further, that section expressly authorizes cooperative and trade associations to pay the administrative fee for CAT coverage under certain circumstances. Provisions have been modified to allow such associations to pay the CAT administrative fee. Further, that section expressly authorizes cooperative and trade associations to pay the administrative fee for CAT coverage under certain circumstances. Provisions have been modified to allow such associations to pay the CAT administrative fee.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 402; 7 CFR 407 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: Section 12006 of the 2008 Farm Bill requires that each producer pay an administrative fee for catastrophic risk protection of \$300 per crop per county. FCIC is merely making ministerial changes to the policy mandated by the 2008 Farm Bill. There is no discretion given to FCIC in the terms contained in this rule or their implementation. The next applicable contract change date, the date by which changes to the policy must be made to have them effective for the next crop year, is June 30, 2008.

Action	Source	Description	Date
Other	Statutory	2008 Farm Bill requirement	06/30/2008

Timetable:

Action	Date	FR Cite
Final Action Effective	06/25/2008	73 FR 36407
Final Action	06/27/2008	73 FR 36407

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Rural Business-Cooperative Service (RBS)

RIN: 0570-AA63

 [View Related Documents](#)

Title: Socio-Economic Benefit Assessment System (SEBAS)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA69

 [View Related Documents](#)

Title: Renewable Energy--Clarify Requirements for Construction/Development of Energy Program Projects

Abstract: The Rural Business-Cooperative Service (Agency) is amending its regulation for clarity. This regulation provides financial assistance to agricultural producers and rural small businesses for the purpose of purchasing and installing renewable energy systems and energy efficiency improvements in rural areas. Financial assistance to any single entity may be provided as a direct loan, guaranteed loan or grant, or a combination of a loan and grant. The current regulations were implemented in July of 2005. In reviewing the program, it has become evident that some of the language in the existing regulation was misinterpreted by field offices and applicants. With a relatively new program like this, it takes some time to get applications completed and the program reviewed before one realizes the need for corrections to Instruction language.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 4280-B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2009	
NPRM Comment Period End	08/00/2009	

Additional Information: Regulations for the loan portion of this program is being incorporated into RIN 0570-AA65 for the Delivery Enhancement for Guaranteed Loans.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 0570-AA65

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Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA70

 [View Related Documents](#)

Title: Intermediary Relending Program--Clarification--Inconsistencies in Processing and Servicing Requirements

Abstract: A recent Management Control Review of the program identified contradictions between the processing and servicing regulations. The Agency is correcting inconsistencies regarding eligible and ineligible loan purposes; ineligible borrowers; and the definition of rural area. Clarifications are being made to setting the level of ultimate recipient loan assistance and establishing when debt refinancing should be considered. References to churches are deleted, which precluded charitable and faith-based institutions from participating in the program, in order to align with current Department policies. Annual reports on the extent to which increased employment, income and ownership opportunities are provided to low-income persons, farm families, and displaced farm families for each loan made by an intermediary will be required.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1951-R; 7 CFR 4274-D (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 9821(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Action	09/19/2008	73 FR 54306
NPRM	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
Rural Business-Cooperative Service (RBS)

RIN: 0570-AA71

 [View Related Documents](#)

Title: Rural Microenterprise Assistance Program

Abstract: USDA Rural Business-Cooperative Service (RBS) is promulgating regulations to implement section 6022, Rural Microenterprise Assistance Program, included in the Food, Conservation and Energy Act of 2008. The purpose of the section is to provide microentrepreneurs with the skills necessary to establish new rural microenterprises and continuing technical and financial assistance related to the successful operation of rural microenterprises. Assistance includes loans and grants to intermediaries. Assistance will be awarded on a competitive basis. Eligible entities include microenterprise development organizations as defined (including nonprofit entities, Indian tribes and tribal governments with specific conditions, and public institutions of higher education). Regulatory implementation may include certain existing requirements identified in 7 CFR for civil rights requirements, grant servicing requirements, and so forth.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis
 Required: Undetermined
 Federalism: Undetermined
 Energy Affected: Undetermined
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Government Levels Affected: Undetermined

Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA72

 [View Related Documents](#)

Title: Grants for Expansion of Employment Opportunities for Individuals With Disabilities in Rural Areas

Abstract: USDA Rural Business-Cooperative Service (RBS) is promulgating regulations to implement section 6023, for Expansion of Employment Opportunities for Individuals with Disabilities in Rural Areas, included in the Food, Conservation and Energy Act of 2008. The purpose of the section is to provide grants to nonprofit organizations to expand and enhance employment opportunities for individuals with disabilities in rural areas. Assistance includes grants to nonprofit organizations or consortium of nonprofit organization that have a significant focus on serving the needs of individuals with disabilities. Assistance will be awarded on a competitive basis. Regulatory implementation may include certain existing requirements identified in 7 CFR for civil rights requirements, grant servicing requirements, and so forth. This is a new program.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis
 Required: Undetermined
 Federalism: Undetermined
 Energy Affected: Undetermined
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Government Levels Affected: Undetermined

Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA73

 [View Related Documents](#)

Title: Biorefinery Assistance

Abstract: The purpose of section 9003 is to assist in the development of new and emerging technologies for the development of advanced biofuels. Advanced biofuels are fuels derived from renewable biomass other than corn kernel starch. The program will increase energy independence, promote resource conservation, diversify markets for agricultural and forestry products, create jobs, and enhance economic development in rural economies. Assistance includes grants and guaranteed loans. Grants will be awarded on a competitive basis. Eligible entities include individuals, entities, Indians tribes, units of State or local governments, farm cooperatives, farmer cooperative organizations, association of agricultural producers, National Laboratories, institutions of higher learning, rural electric cooperatives, public power entities, or a consortium of any of the entities. Regulatory implementation may include certain requirements identified in existing RBS regulations for the Business and Industry Guaranteed Loan and the Rural Energy for America (which includes the predecessor section 9006) programs.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: Undetermined

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Department of Agriculture (USDA)
Rural Business-Cooperative Service (RBS)

RIN: 0570-AA74

 [View Related Documents](#)

Title: Re-Powering Assistance

Abstract: The proposed action will encourage biorefineries existing at the time the 2008 Farm Bill became law to replace fossil fuels used to produce heat or power used in their operation by making payments for installation of new systems that use renewable biomass and/or new production of energy from renewable biomass. Payments may be made under section 9004 to any biorefinery that meets the requirements of this section for a period determined by the Secretary. The Secretary shall determine the amount of payments to be made after considering factors addressing fossil fuel offsets and the cost effectiveness of renewable biomass systems.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite

NPRM

03/00/2009

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)

Rural Business-Cooperative Service (RBS)

RIN: 0570-AA75

 [View Related Documents](#)

Title: Bioenergy Program for Advanced Biofuels

Abstract: The Bioenergy Program For Advanced Biofuels directs the Secretary of Agriculture to make payments to eligible producers to support and ensure an expanding production of advanced biofuels. Advanced biofuels are defined as "fuel derived from renewable biomass other than corn kernel starch" in The Food, Conservation, and Energy Act of 2008. The program will increase energy independence, promote resource conservation, diversify markets for agricultural and forestry products, create jobs, and enhance economic development in rural economies. To receive a payment, an eligible producer shall enter into a contract with the Secretary of Agriculture for production of advanced biofuels. The basis for payments under this program are the quantity and duration of production of biofuel produced by an eligible producer, the net nonrenewable energy content of the advanced biofuel, and other appropriate factors as determined by the Secretary of Agriculture.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

	Action	Date	FR Cite
NPRM		03/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)

Rural Business-Cooperative Service (RBS)

RIN: 0570-AA76

 [View Related Documents](#)

Title: Rural Energy for America Program (REAP)

Abstract: The Renewable Energy and Energy Efficiency Program (section 9006 of the Farm Security and Rural Investment Act of 2002 (FSRIA)) is being replaced with a new program titled the "Rural Energy For America Program (REAP)" numbered section 9007 of The Food, Conservation, and Energy Act of 2008. The new program will provide grants for energy audits and renewable energy development assistance; and financial assistance for energy efficiency improvements and renewable energy systems. The program will increase energy independence, promote resource conservation, diversify markets for agricultural and forestry products, create jobs, and enhance economic development in rural economies. Eligible entities based on the sub-program of the sub-section include units of State, tribal, or local government; land grant or other institutions of higher education; rural electric cooperatives or public power entities; agricultural producers; rural small businesses; and any similar entity as determined by the Secretary. The bill directs that at least 20 percent of funds be used for grants of up to \$20,000 each. The bill merges the energy audit program and the Renewable Energy Systems and Energy Efficiency Improvements programs.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)

Rural Business-Cooperative Service (RBS)

RIN: 0570-AA77

 [View Related Documents](#)

Title: Rural Energy Self-Sufficiency Initiative

Abstract: The Secretary shall establish a Rural Energy Self-Sufficiency Initiative (grant program) to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities. Note that Business Programs has the primary role in program implementation and will work in consultation with the Forest Service on Community Wood Energy Program. The Forest Service has operated a program in the past to assist rural school systems in the use of alternative fuels for heating physical plants. Their expertise will assist Rural Development in promulgating a valuable program, well suited to the needs of rural communities.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Government Levels Affected: Undetermined

Department of Agriculture (USDA)
Rural Business-Cooperative Service (RBS)

RIN: 0570-AA35

 [View Related Documents](#)

Title: Rural Business Investment Program

Abstract: The Agency published 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. Section 6027 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) reauthorized and amended 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. An Advance Notice of Proposed Rulemaking was published on March 29, 2007 [72 FR 14712], seeking public comments regarding the possibility of operating the Rural Business Investment Program to provide for non-leveraged rural business investment companies. All comments will be addressed in the final rule when published.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 4290 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 107-171, sec 6029

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/2004	69 FR 32200
Interim Final Rule Comment Period End	07/08/2004	69 FR 32200
ANPRM	03/29/2007	72 FR 14712
ANPRM Comment Period End	04/27/2007	72 FR 14712
Final Action	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA65

 [View Related Documents](#)

Title: Delivery Enhancement for Guaranteed Loans

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 7 USC 1926(a)(1); 7 USC 1932(a); 7 USC 8106

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/14/2007	72 FR 52618
NPRM Comment Period End	11/13/2007	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 0570-AA41

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Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA67

 [View Related Documents](#)

Title: Rural Business Enterprise Grant Program

Abstract: The Rural Business-Cooperative Service proposes to completely rewrite and renumber 7 CFR 1942, subpart G, to 7 CFR 4284, subpart B. This rewrite will incorporate public law changes and clarify administrative regulatory procedures and guidelines in order to improve program administration.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1942, subpart G; 7 CFR 4284, subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 7 USC 1989; 16 USC 1005

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/20/2007	72 FR 19807
NPRM Comment Period End	06/19/2007	72 FR 19807
Final Action	01/00/2009	
Final Action Effective	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 0570-AA28

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Department of Agriculture (USDA)
Rural Business-Cooperative Service (RBS)

RIN: 0570-AA62

 [View Related Documents](#)

Title: Amendment of Guarantee Requirements

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. The Agency is revising section 1951 to 133 to clarify that any amounts paid by the Agency on account of the liabilities of a guaranteed loan borrower will constitute a Federal debt owing to the government by the guaranteed loan borrower and third party guarantors and modifies the original section to encompass all Rural Development Business Programs' guaranteed borrowers. Rural Development may use all remedies available to it, including offset under the Debt Collection Improvement Act (DCIA), to collect the debt from the borrower or guarantor.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1951, subpart C (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 7 USC 1932, note; 7 USC 1989; 31 USC 3716; 412 USC 1480

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Merged With RIN 0570-AA65	07/31/2008	

Additional Information: Merged with RIN 0570-AA65, Delivery Enhance Guarantee Loan rule.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 0570-AA65

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Department of Agriculture (USDA)
 Rural Business-Cooperative Service (RBS)

RIN: 0570-AA64

 [View Related Documents](#)

Title: Renewable Energy Systems and Energy Efficiency Improvements (REEEI) Program

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).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 4280; 7 CFR 4279, subpart A; 7 CFR 4279, subpart B; 7 CFR 4287, subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8106

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Merged With RIN 0570-AA65	07/31/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Federalism: No

Energy Affected: No

Related RINs: Merge with 0570-AA65

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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AB99

 [View Related Documents](#)

Title: Lien Accommodations and Subordinations for 100 Percent Private Financing

Abstract: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, proposes to amend its regulations on lien accommodations and subordinations. The rule would propose to remove the procedures where, case-by-case, the Agency 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. The rule would 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 and update to the existing lien accommodation and subordination regulations in its ongoing effort to maintain current program rules.

Priority: Substantive, Nonsignificant
 Agenda Stage of Rulemaking: PreRule
 Major: Undetermined
 Unfunded Mandates: No
 CFR Citation: 7 CFR 1717-R (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq; 7 USC 6941 et seq
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	01/00/2009	

Regulatory Flexibility Analysis Required: No
 Government Levels Affected: No
 Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC11

 [View Related Documents](#)

Title: 2008 Farm Bill, Water and Waste Loans and Grants

Abstract: Rural Development Utilities Programs proposes to amend regulation 7 CFR 1780 to implement the provisions of the 2008 Farm Bill for interest rates. Interest rates on loans subject to 5 or 7 percent interest rate limitations will be established at rates equal to a percentage of current market yields for outstanding municipal obligations. Sections 1780.13 (b) and (c) must be changed to reflect the correct interest rate language. The interest rate changes will enable more communities that could not afford higher interest rates to obtain loan financing. Thus, the Utilities Programs may make more loans to communities, thus preserving grant funds for truly needy communities. Reaching more communities that need Federal assistance is the intended result.

Priority: Substantive, Nonsignificant
 Agenda Stage of Rulemaking: PreRule
 Major: Undetermined
 Unfunded Mandates: No
 CFR Citation: 7 CFR 1780, sec 6011 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: PL 100-246
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	11/00/2008	

Regulatory Flexibility Analysis Required: No
 Government Levels Affected: No
 Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC12

 [View Related Documents](#)

Title: 2008 Farm Bill, Household Water Well System Grant Program

Abstract: Rural Development Utilities Programs proposes to make two amendments to regulation 7 CFR 1776. The first amendment will implement the provisions of the 2008 Farm Bill for loan limits. Section 1776.15, section (a) (3), will be amended to replace \$8,000 with \$11,000, the new maximum loan amount nonprofits may make to homeowners for private wells. The second amendment will enable existing grant recipients to amend their grant agreements for the new loan limit of \$11,000. Section 1776.10 will be amended to insert language providing for amendments to grant agreements and enabling existing grant recipients to comply with statutory requirements as they are enacted. The loan limit increase will allow homeowners to obtain financial assistance for well repairs and improvements in areas where the construction costs for wells routinely exceed \$8,000.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1776 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC14

 [View Related Documents](#)

Title: Special Evaluation Assistance for Rural Communities and Households Program (SEARCH)

Abstract: Implement section 6002 of title VI of the Food, Conservation, and Energy Act of 2008 (Farm Bill). This program is established to make predevelopment planning grants for feasibility studies, design and technical assistance, to financially distressed communities with 2500 or fewer inhabitants for water and waste disposal projects.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: PreRule
 Major: Undetermined Unfunded Mandates: No
 CFR Citation: 7 CFR 1780, subpart E (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: PL 110-246
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	11/00/2008	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC03

 [View Related Documents](#)

Title: Water and Waste Loans and Grants

Abstract: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, 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.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: Proposed Rule
 Major: Undetermined Unfunded Mandates: No
 CFR Citation: 7 CFR 1780 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 5 USC 301; 7 USC 1989; 16 USC 1005
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Small Entities Affected: No Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC10

 [View Related Documents](#)

Title: Electric Loans for Renewable Energy

Abstract: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities programs, hereinafter referred to as Rural Development and/or the Agency, proposes to amend its regulations on services to non-REAct beneficiaries. The rule would propose to implement section 6108 of the Food and Energy Security Act of 2007. This section provides that the Secretary may make electric loans for electric generation from renewable energy resources for resale to rural and nonrural residents. The section further provides that the loans shall be made at an interest rate equal to the average tax-exempt municipal bond rate of similar maturities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1710 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 940g

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC13

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Title: General Policies, Types of Loans, Loan Requirements-Telecommunications Program

Abstract: The Rural Development Utilities Programs Telecommunications Program makes loans to rural utilities and other entities to improve and expand telecommunications services in rural areas. One of the provisions contained in 7 CFR part 1735 requires a borrower to maintain a Times Interest Earned Ratio (TIER) of at least 1.0 during the loan forecast period when the construction is being undertaken. It has become necessary to revise 7 CFR part 1735 to eliminate this requirement. This proposed change would not constitute a loan security issue for the Agency because the borrower would still be required to maintain the prescribe TIER at the end of the forecast period (i.e. end of the construction period). The Agency believes that the proposed change will eliminate situation where an otherwise financially sound applicant or borrower is denied funding because it could not meet the TIER requirement.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 7 CFR 1735 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: 7 USC 901
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
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Government Levels Affected: No
 Federalism: No

Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC06

 [View Related Documents](#)

Title: Rural Broadband Access Loans and Loan Guarantees

Abstract: There has been more than \$1.7 billion in loans for broadband deployment with more than 1,900 rural communities that will receive broadband services. Even with this level of success, the program needs to be adjusted to better serve un-served or underserved communities. In response, the Rural Utilities Service, an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, revised the broadband rule to address this and other critical issues, and further facilitate the deployment of broadband service in rural America as directed by Congress by: (1) Clearly defining served, underserved markets based on service availability and existing competitors and target un-served an underserved areas; (2) providing potential applicants with a clear definition of which communities are eligible for funding; (3) establishing a minimum data transmission rate that the facilities financed must be able to deliver to the consumer; (4) establishing equity requirements that mitigate risks; (5) modifying market survey requirements based on service territories and existing availability of service; and (6) imposing new time limits for build-out and deployment to ensure prudent use of loan funds and timely delivery services to rural customers. A proposed rule was published in May 2007 seeking comments from interested parties. Subsequently, the rulemaking process was suspended in light of the new Farm Bill legislation which would make amendments to the statutory requirements, thus requiring further rulemaking.

Priority: Other Significant
 Major: No
 CFR Citation: 7 CFR 1738 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: PL 107-171; 7 USC 901 et seq
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	05/11/2007	72 FR 26742
NPRM Comment Period End	07/10/2007	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No

Government Levels Affected: No
 Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC07

 [View Related Documents](#)

Title: Electric System Operations and Maintenance, Interconnection of Distributed Resources

Abstract: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, is proposing to amend 7 CFR part 1730 by adding a subpart C entitled "Interconnection of Distributed Resources." It would require that borrowers will be responsible for establishing and maintaining a written standard policy relating to the interconnection of distributed resources (IDR). This proposed rule would also allow owners of distributed resources to know what the requirements of the borrower electric cooperatives are regarding connection of their facilities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1730 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 901

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/13/2008	73 FR 47101
NPRM Comment Period End	10/14/2008	
Final Action	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Rural Utilities Service (RUS)

RIN: 0572-AC04

 [View Related Documents](#)

Title: Rural Area Definitions for Rural Development WEP Programs

Abstract: This proposed regulatory action has been withdrawn. Consideration of the subject matter maybe combined with another proposed regulatory action in the future. The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, proposes to further revise standard definitions for rural and rural areas used in regulations for the water and environmental programs to be consistent with the section 6020 of the 2002 Farm Bill.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1775; 7 CFR 1778; 7 CFR 1779; 7 CFR 1780; 7 CFR 1783 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: 5 USC 301; 7 USC 1989; 16 USC 1005

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/31/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
Rural Utilities Service (RUS)

RIN: 0572-AC08

 [View Related Documents](#)

Title: Accounting Requirements for RUS Electric Program Borrowers

Abstract: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, hereinafter referred to as Rural Development, amended its regulation on accounting policies and procedures for Rural Development Electric Programs borrowers as set forth in 7 CFR part 1767, Accounting Requirements for Rural Development Electric Program Borrowers. The rule reconciles part 1767 with the Uniform System of Accounts as set forth by the Federal Energy Regulatory Commission (FERC); adopts FERC accounting guidance for Regional Transmission Organizations, Asset Retirement Obligations with modifications, Other Comprehensive Income, and Derivatives and Hedging Instruments; amended accounting interpretations for Special Equipment Accounting, Storm Damage, Rural Economic Development Loan and Grant Program and Consolidated Financial Statements; sets forth accounting interpretations that establish uniform reporting procedures for Accounting for Cushion of Credit Accounts, and codifies guidance on records retention currently published in Bulletin 180-2. This rule also corrects a number of administrative errors currently existing within this part.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1767 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: 7 USC 901 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/13/2007	72 FR 38511

NPRM Comment Period End	09/11/2007	
Final Rule	05/27/2008	73 FR 30277

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Small Entities Affected: No Federalism: No
 Energy Affected: No

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

RIN: 0575-AA83

 [View Related Documents](#)

Title: Civil Rights Compliance Requirements

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2009	
NPRM Comment Period End	10/00/2009	

Regulatory Flexibility Analysis
 Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 0575-AC07

 [View Related Documents](#)

Title: National Flood Insurance Regulations

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1926, subpart B; 7 CFR 1806, subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Federalism: No

Energy Affected: No

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

RIN: 0575-AC12

 [View Related Documents](#)

Title: Servicing Community Programs Loans and Grants

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	
NPRM Comment Period End	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Rural Housing Service (RHS)

RIN: 0575-AC27

 [View Related Documents](#)

Title: Community Facilities Direct Loan Program--Consolidate, Simplify, and Update Regulations

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1942, subpart A; 7 CFR 1942, subpart C (To search for a specific CFR, visit the [Code of Federal Regulations](#) .)

Legal Authority: 7 USC 1926

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	
NPRM Comment Period End	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0575-AC55

 [View Related Documents](#)

Title: Planning and Performing Construction and Other Development

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1924, subpart A; 7 CFR 1924, subpart C; 7 CFR 1942, subpart A (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0575-AC56

 [View Related Documents](#)

Title: Environmental Policies and Procedures

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.

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

RIN: 0575-AC67

 [View Related Documents](#)

Title: Guaranteed Rural Rental Housing

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3565, sec 538 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2009	
NPRM Comment Period End	07/00/2009	

Regulatory Flexibility Analysis
Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 0575-AC71

 [View Related Documents](#)

Title: Section 538 Guaranteed Rural Rental Housing Program--Elimination of the Notice of Funding Availability (NOFA) Requirement

Abstract: Rural Development proposes to revise section 3565.3 Definitions and section 3565.4 Availability of assistance of regulation 7 CFR 3565 regarding the Notice of Funding Availability (NOFA). The purpose of this revision is to allow the Agency to accept and start processing applications without the yearly contingency of the publication of the NOFA. This revision is needed to streamline application processing. The objective of this revision is to provide the program with sufficient time to process all applications to prevent the loss of other sources of financing that may be leveraged for the development of section 538 properties.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 7 CFR 3565 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	
NPRM Comment Period End	02/00/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)

Rural Housing Service (RHS)

RIN: 0575-AC72

 [View Related Documents](#)

Title: Section 538 Guaranteed Rural Rental Housing Program--Refinancing of GRRHP Properties

Abstract: The Agency intends to add sections to regulation 7 CFR 3565 to provide underwriting guidelines for the refinancing of section 538 Guaranteed Rural Rental Housing Program (GRRHP) properties. As some properties are already 10 years in operations, the Agency envisions the need to refinance GRRHP properties in the near future in order to preserve lower rents for tenants or increase the viability of GRRHP properties encountering cash flow problems due to expensive debt service. The objective of additional sections to the regulation is to provide the framework for refinancing GRRHP properties since current regulatory structure currently exists. The new sections will provide processing instructions and eligibility requirements for GRRHP properties.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 7 CFR 3565 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	
NPRM Comment Period End	04/00/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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

RIN: 0575-AC74

 [View Related Documents](#)

Title: Section 533 Housing Preservation Grant Program--Clarification of the Eligibility of Faith-Based Organizations
Abstract: The Rural Housing Service (RHS) is amending its regulations for the Housing Preservation Grants Program to improve the deliver and operation of the HPG Program.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1944 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 42 USC 1480

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	
NPRM Comment Period End	03/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 0575-AC77

 [View Related Documents](#)

Title: Planning and Performing Construction and Other Development To Conform to Current Market/Industry Standards

Abstract: The Rural Housing Service (Agency) is amending its 1924-A regulation to be consistent with other current Agency requirements and Federal agency criteria. This regulation amendment includes the following changes: 1) New information is incorporated to update the thermal standards guidance for manufactured housing and updated pest control documentation forms are added for existing home purchases; 2) requirements for providers of Insured 10-Year Home Warranty Plans will no longer be maintained by the Agency; the Agency will adopt current HUD criteria to govern the requirements; 3) the Agency will no longer perform extensive construction inspections. In most cases, the Agency will perform final inspections. In other cases, the Agency will perform progress inspections, when the locality does not have the resources; 4) the International Code Council is added to the list of acceptable model building codes and the new Energy Act is applied to the thermal standards; 5) the perimeter foundation wall is no longer required for manufactured housing financed under the guaranteed single-family housing program; 6) Agency guides are updated to reflect recent revisions to the American Institute of Architects contract documents.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1924-A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Rural Housing Service (RHS)

RIN: 0575-AC78

 [View Related Documents](#)

Title: Community Facility Loans--Update Contract Guide Documents

Abstract: The Rural Housing Service (Agency) is amending its regulation to update contract guide documents and make minor revisions to streamline processing. Community Facilities uses American Institute of Architects (AIA) contract documents for the majority of their development work. Every 10 years, AIA revises their contract documents. Presently, Guide 27 includes attachments to amend AIA documents dated 1997. Replacing the attachments to Guide 27 with new attachments will conform to AIA documents dated 2007 for the architect's agreement and construction contract. Two new attachments will be added to amend AIA contract documents for Design/Build and Construction Management/Constructor contracts. Although the regulation allows these types of construction, the Agency has never had standardized guide documents to include Federal Government financing requirements. Standardized guide documents will reduce staff time spent incorporating that language into contracts individually. Remove a restrictive reference in sections 1942.9(b) and 1942.18(l) that states design/build and construction management type of construction may not be used with grant funds. This regulatory requirement was placed in the regulations in the 1970's when the Agency had little/no experience with design/build or construction management. With the projects that been have completed since then, it has become apparent that the type of funding--grant or direct loan--should have no bearing on the type of construction. Add language to clarify the type of Construction Management acceptable to the Agency. Since Construction Management was placed in the regulation in the 1970s, two types have evolved. Construction Management/Constructor (also called "At Risk") and Construction Management/Advisor ("No Risk"). For Agency funding purposes, it is necessary that Construction Management/Constructor be used rather than Construction Management/Advisor.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1942-A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
 Rural Housing Service (RHS)

RIN: 0575-AC13

 [View Related Documents](#)

Title: Multi-Family Housing (MFH) Reinvention

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. The consolidated regulations save time and simplify costs. Finally, the regulation is more customer friendly and responsive to the needs of the public.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/02/2003	68 FR 32872
NPRM Comment Period End	08/01/2003	68 FR 32872
Interim Final Rule	11/26/2004	69 FR 69032
Interim Final Rule Comment Period End	12/27/2004	69 FR 69032
Interim Final Rule Effective	02/22/2005	70 FR 8503
Final Action	08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 0575-AC24

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

RIN: 0575-AC18

 [View Related Documents](#)

Title: Guaranteed Single-Family Housing

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3555; 7 CFR 1980, subpart D (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/15/1999	64 FR 70124
NPRM Comment Period End	02/14/2000	
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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

RIN: 0575-AC20

 [View Related Documents](#)

Title: Self-Help Technical Assistance Grants

Abstract: The final rule for the Self-Help Technical Assistance Grants is renumbered from 7 CFR 1944-I to 7 CFR 3551-A to clarify the policies and procedures relative to: 1) Changing of application procedures 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) defining the roles of Technical and Management Assistance Contractors.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 7 CFR 1944; 7 CFR 3551 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 5 USC 301; 42 USC 1480
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	05/18/2007	72 FR 27988
NPRM Comment Period End	07/17/2007	72 FR 27988
Final Action	05/00/2009	
Final Action Effective	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Rural Housing Service (RHS)

RIN: 0575-AC66

 [View Related Documents](#)

Title: Reserve Account for Sections 514/516 Farm Labor Housing and Section 515 Rural Rental Housing Programs

Abstract: Section 3560.65 of 7 CFR 3560-A is revised 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3560; 7 CFR 1940 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/05/2007	72 FR 16730
NPRM Comment Period End	06/04/2007	72 FR 16730
Final Action	11/00/2008	
Final Action Effective	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0575-AC69

 [View Related Documents](#)

Title: Direct Single-Family Housing Program

Abstract: This rule will address insurance deductible requirements to industry standards making it easier for new homeowners to secure affordable insurance coverage. This change is needed because of the increase in insurance deductibles requirements imposed by the insurance industry in response to the damages from high winds and water as well as recent hurricanes and tornados. This rule will also address the rural area definition to update the effective date of census data collected from 2000 to 2010. This data is used to determine the population of metropolitan statistical areas. In addition the regulation will increase the applicant net asset limitation from \$7,500 to \$15,000 for non-elderly families and from \$10,000 to \$20,000 for elderly families. This limitation imposes requirements for applicants to contribute a down payment when their net assets exceed said limits. These limits have not been updated in over 10 years.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 42 USC 1480

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0575-AC70

 [View Related Documents](#)

Title: Section 538 Guaranteed Rural Rental Housing Program--Appraisal Requirement

Abstract: Rural Development is modifying 7 CFR 3565, section 3565.303 (d)(1) to eliminate the updated appraisal requirement of the project as built for properties that meet the following criteria: (1) Have a Rural Development guaranteed loan to cost ratio of 50 percent or less, and (2) have an original appraised value equal to or greater than the section 538 guaranteed loan amount. The purpose of this change is to streamline the issuance of the permanent loan guarantee for projects that have very little risk of default. Historical foreclosure rates of low loan to cost value properties are reported to be 0.01 percent or 1 percent (Ernst & Young, LLC, "Ernst & Young Confirms Positive Returns," Multi-Family Housing News, August 2004, pg. 6). Thus, Rural Development seeks to eliminate the undue burden of cost and time that an updated appraisal on low loan to cost

value properties unnecessarily imposes on the borrower and Rural Development staff.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 3565 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)

Rural Housing Service (RHS)

RIN: 0575-AC73

 [View Related Documents](#)

Title: Income Limit Modifications--Single-Family Housing Direct and Guaranteed Loan Program

Abstract: Throughout the Nation, the median income limits in their current structure are not keeping pace with the rising prices of median home prices. In addition, present multiple income limits (1-8 households) are cumbersome and the consolidation would simplify program regulations for our lending partners, simplify the qualification process, and allow the agency to serve applicants that are more eligible.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1980, subpart D (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1989

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/10/2008	73 FR 19443
NPRM Comment Period End	05/12/2008	
Interim Final Rule	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Joaquin Tremols

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

RIN: 0575-AC75

 [View Related Documents](#)

Title: Community Facilities Grant Program

Abstract: The final rule implements regulatory changes for the Community Facilities Grant program. The final rule will only impact projects in communities that were already eligible for Community Facilities funding. The only communities affected by the rule are communities impacted by a catastrophic natural disaster. The final rule will allow USDA to consider the impact of a catastrophic natural disaster and increase the percentage of grant funds available to projects in the impacted rural communities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 3570 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 7 USC 1989

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/2008	73 FR 14171
Interim Final Rule Comment Period End	05/16/2008	
Final Action	11/00/2008	
Final Action Effective	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; Tribal

Small Entities Affected: Governmental Jurisdictions;
 Organizations

Federalism: No

Energy Affected: No

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

RIN: 0575-AC76

 [View Related Documents](#)

Title: Housing Preservation Grants--Faith-Based and Community Organizations

Abstract: Currently, the regulation lacks language referencing faith-based and community organizations. Revising the regulation will further clarify the definition of Nonprofit Organizations to include faith-based and community organizations. As a result, this will enable more faith-based and smaller community-based organizations to become aware that they can apply for the HPG program funding.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1944, subpart N (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 42 USC 1480

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/26/2008	73 FR 36267
Direct Final Rule Effective	09/09/2008	73 FR 36267

Additional Information: This rule was split from 0575-AC74 to provide clarification for the public regarding the eligibility of faith-based and community organizations for the Housing Preservation Grant Program.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Split From 0575-AC74

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Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

RIN: 0578-AA52

 [View Related Documents](#)

Title: Healthy Forests Reserve Program

Abstract: The Healthy Forests Reserve Program (HFRP) assists landowners in restoring and enhancing forest ecosystems to: Promote the recovery of threatened and endangered species; improve biodiversity; and enhance carbon sequestration.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 625 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 6571 to 6578

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

RIN: 0578-AA38

 [View Related Documents](#)

Title: Grassland Reserve Program

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1415 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 107-171; 16 USC 3838

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/2004	69 FR 29173
Interim Final Rule Comment Period End	07/20/2004	
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

RIN: 0578-AA42

 [View Related Documents](#)

Title: Agricultural Water Enhancement Program

Abstract: Agricultural Water Enhancement Program (AWEP) is a new program within the Environmental Quality Incentives Program (EQIP) to promote ground and surface water conservation and improve water quality on agricultural lands. NRCS may enter into contracts directly with producers to carry out agricultural water enhancement activities or enter into partnership agreements with entities to indirectly enter into contracts with producers to carry out agricultural water enhancement activities.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1466 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 16 USC 3839aa-9

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Agriculture (USDA)
 Natural Resources Conservation Service (NRCS)

RIN: 0578-AA43

 [View Related Documents](#)

Title: Conservation Stewardship Program

Abstract: The Conservation Stewardship Program (CSP) will assist producers in implementing conservation activities applicable to their operation and rewarding stewardship on working lands.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 3838d

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
 Natural Resources Conservation Service (NRCS)

RIN: 0578-AA44

 [View Related Documents](#)

Title: Regional Equity

Abstract: Regional Equity creates a funding floor for each State for title II programs listed under the Food Security Act of 1985 (with the exception of the Conservation Reserve Program, Wetlands Reserve Program, and Conservation Security Program) considering respective demand in each program in each State. Regional equity also requires a review and update of program allocation formulas by January 1, 2012.

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Department of Agriculture (USDA)
 Natural Resources Conservation Service (NRCS)

RIN: 0578-AA46

 [View Related Documents](#)

Title: Farm and Ranch Lands Protection Program

Abstract: The Farm and Ranch Land Protection Program (FRPP) provides matching funds to help purchase development rights to keep productive farm and rangeland in agricultural uses.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1491 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 3838i

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Previously Reported as 0578-AA37

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Department of Agriculture (USDA)
 Natural Resources Conservation Service (NRCS)

RIN: 0578-AA47

 [View Related Documents](#)

Title: Wetlands Reserve Program

Abstract: The Wetlands Reserve Program (WRP) is a voluntary program offering landowners the opportunity to protect, restore, and enhance wetlands on their property. NRCS provides technical and financial support to help landowners with their wetland restoration efforts.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1467 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 3837

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 0578-AA16

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Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

RIN: 0578-AA48

 [View Related Documents](#)

Title: Technical Service Provider Assistance

Abstract: Technical Service Provider assistance will allow producers to obtain technical services from the department of entities by a certification process. This process will distinguish between certification of an individual working under his or her own auspices and that of an organization such as a corporation or a public agency which has individuals working on its behalf. Certification of an individual means the individual has the requisite education and technical expertise to perform the technical services. Certification of an entity or public agency means that the organization may receive payment for the services provided by individuals working under its auspices, but the work must be performed or warranted by certified individuals and the organization must assume the liability for the quality of work performed.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 652 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 3842

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 0578-AA35

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Department of Agriculture (USDA)

Natural Resources Conservation Service (NRCS)

RIN: 0578-AA49

 [View Related Documents](#)

Title: Wildlife Habitat Incentive Program

Abstract: The Wildlife Habitat Incentives Program (WHIP) is a voluntary program for people who want to develop and improve wildlife habitat primarily on private land. Through WHIP, NRCS provides both technical assistance and cost-share assistance to establish and improve fish and wildlife habitat.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 636 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 16 USC 3839bb-1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Previously Reported as 0578-AA21

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Department of Agriculture (USDA)

Natural Resources Conservation Service (NRCS)

RIN: 0578-AA50

 [View Related Documents](#)

Title: Agricultural Management Assistance Program

Abstract: The Agricultural Management Assistance (AMA) provides cost share assistance to agricultural producers to voluntarily address issues such as water management, water quality, and erosion control by incorporating conservation into their farming operations. Producers may construct or improve water management structures or irrigation structures; plant trees for windbreaks or to improve water quality; and mitigate risk through production diversification or resource conservation practices, including soil erosion control, integrated pest management, or transition to organic farming.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 1465 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 1524

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 0578-AA32

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Department of Agriculture (USDA)
 Natural Resources Conservation Service (NRCS)

RIN: 0578-AA51

 [View Related Documents](#)

Title: State Technical Committee

Abstract: The State Technical Committees provide advice on a number of issues within a variety of conservation programs. Although State Technical Committees have no implementation or enforcement authority, USDA shall give strong consideration to the Committee's recommendations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 610 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 16 USC 3861 and 3862

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 0578-AA22

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Department of Agriculture (USDA)
 Natural Resources Conservation Service (NRCS)

RIN: 0578-AA36

 [View Related Documents](#)

Title: Conservation Security Program

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.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

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Department of Agriculture (USDA)
Natural Resources Conservation Service (NRCS)

RIN: 0578-AA41

 [View Related Documents](#)

Title: Compliance With NEPA

Abstract: The National Environmental Policy Act of 1969 (NEPA) requires that Federal agencies evaluate the impact that Federal actions have on the quality of the human environment. In addition, the Council on Environmental Quality (CEQ) issues guidance regulations for implementing NEPA (40 CFR parts 1500 to 1508). NRCS is proposing to amend its existing NEPA compliance regulations to create alignment with CEQ's guidance regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 650 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4321 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/2008	73 FR 35883
Interim Final Rule Comment Period End	07/25/2008	
Final Action	09/23/2008	73 FR 54667

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 0579-AC37

 [View Related Documents](#)

Title: Regulation of Genetically Engineered Animals

Abstract: APHIS is seeking public comment and scientific and technical empirical data and information concerning ongoing and future research on genetically engineered animals. APHIS' interest is to ensure that if and when genetically engineered animals are imported into the United States or moved interstate, they do not present risks to U.S. livestock health. APHIS also seeks comment on what types of actions and approaches APHIS should consider in addressing any such risks.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

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Action	Date	FR Cite
Request for Information	09/19/2008	73 FR 54360
Comment Period End	11/18/2008	

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Federalism: No

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AB35

 [View Related Documents](#)

Title: Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 55; 9 CFR 81 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8316

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/08/2002	67 FR 5925
Interim Final Rule Comment Period End	04/09/2002	
NPRM	12/24/2003	68 FR 74513
NPRM Comment Period End	02/23/2004	
Final Rule	07/21/2006	71 FR 41682
Delay of Effective Date	09/08/2006	71 FR 52983
Final Rule Effective	10/19/2006	
Notice of Receipt of Petitions and Request for Comments	11/03/2006	71 FR 64650
Comment Period Extended	11/21/2006	71 FR 67313
Comment Period End	12/04/2006	
Comment Period End	01/03/2007	
NPRM: Supplemental Proposal	03/00/2009	
NPRM Supplemental Proposal Comment Period End	05/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Federalism: No

Agency Contact: Dean Goeldner

Staff Veterinarian, National Center for Animal Health Programs

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

RIN: 0579-AC02

 [View Related Documents](#)

Title: Animal Welfare; Regulations and Standards for Birds

Abstract: APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 1 to 3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2131 to 2159

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Farm Security and Rural Investment Act of 2002 amended the definition of animal in the Animal Welfare Act (AWA) by specifically excluding birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research. While the definition of animal in the regulations contained in 9 CFR part 1 has excluded rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, that definition has also excluded all birds (i.e., not just those birds bred for use in research). In line with this change to the definition of animal in the AWA, APHIS intends to establish standards in 9 CFR part 3 for the humane handling, care, treatment, and transportation of birds other than those birds bred for use in research.

Legal Basis: The Animal Welfare Act (AWA) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, operators of auction sales, and carriers and immediate handlers. Animals covered by the AWA include birds that are not bred for use in research.

Alternatives: To be identified.

Costs and Benefits: To be determined.

Risks: Not applicable.

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	
NPRM Comment Period End	04/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Undetermined

Federalism: No

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

RIN: 0579-AC03

 [View Related Documents](#)

Title: Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment

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. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: APHIS typically relies on inspection at a Federal plant inspection station or port of entry to mitigate the risks of pest introduction associated with the importation of plants for planting. Importation of plants for planting is further restricted or prohibited only if there is specific evidence that such importation could introduce a quarantine pest into the United States. Most of the taxa of plants for planting currently being imported have not been thoroughly studied to determine whether their importation presents a risk of introducing a quarantine pest into the United States. The volume and the number of types of plants for planting have increased dramatically in recent years, and there are several problems associated with gathering data on what plants for planting are being imported and on the risks such importation presents. In addition, quarantine pests that enter the United States via the importation of plants for planting pose a particularly high risk of becoming established within the United States. The current regulations need to be amended to better address these risks.

Legal Basis: The Secretary of Agriculture may prohibit or restrict the importation or entry of any plant if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States of a plant pest or noxious weed (7 U.S.C. 7712).

Alternatives: APHIS has identified one alternative to the approach we are considering. We could prohibit the importation of all nursery stock pending risk evaluation, approval, and notice-and-comment rulemaking, similar to APHIS's approach to regulating imported fruits and vegetables. This approach would lead to a major interruption in international trade and would have significant economic effects on both U.S. importers and U.S. consumers of plants for planting.

Costs and Benefits: Undetermined.

Risks: In the absence of some action to revise the nursery stock regulations to allow us to better address pest risks, increased introductions of plant pests via imported nursery stock are likely, causing extensive damage to both agricultural and natural plant resources.

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	
NPRM Comment Period End	04/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

RIN: 0579-AC08

 [View Related Documents](#)

Title: Sharing Confidential Business Information With Government Agencies Regarding the Introduction of Genetically Engineered Organisms and Products

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 340 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	
NPRM Comment Period End	05/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

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

RIN: 0579-AC50

 [View Related Documents](#)

Title: Tuberculosis in Cattle; Import Requirements for Roping Steers

Abstract: This rulemaking would amend the animal importation regulations to require additional tuberculosis testing of steers and spayed heifers that may be used as rodeo cattle. The current regulations do not distinguish between steers and spayed

heifers imported as feeders from those to be used as rodeo cattle. Steers and spayed heifers used as rodeo cattle are often maintained longer than feeder cattle and generally come into contact with other cattle in more locations than do steers and spayed heifers imported for feeding purposes. The longer the lifespan of an animal, the greater the chances are that, if exposed to tuberculosis, it will contract the disease, develop generalized disease, and spread it to other animals. The risk of tuberculosis spread is also increased by the number of animals that are exposed to a tuberculosis-infected animal.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/2004	69 FR 43283
Interim Rule; Withdrawal Effective	08/12/2004	
Interim Rule; Withdrawal	08/12/2004	69 FR 49783
Interim Final Rule Effective	08/19/2004	
NPRM	08/24/2004	69 FR 51960
Interim Final Rule Comment Period End	09/20/2004	
NPRM Comment Period End	10/25/2004	
NPRM; Withdrawal and Reproposal	03/00/2009	
NPRM Comment Period End	05/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC60

 [View Related Documents](#)

Title: National Environmental Policy Act Implementing Procedures

Abstract: This action would amend the regulations that set out our National Environmental Policy Act implementing procedures. The proposed amendments would make clear that our decision to prepare an environmental impact statement or an environmental assessment, or to apply a categorical exclusion, is based on an action's potential effect on the human environment; make additions to the list of types of actions that qualify for a categorical exclusion because of their negligible environmental impacts; and provide for environmental assessment processes that can be used in special circumstances when action must be taken quickly. These changes are intended to improve the clarity and effectiveness of the regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 372 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4321 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC68

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Title: Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products

Abstract: This rulemaking would amend the regulations regarding the importation of bovines and bovine products. Under this rulemaking, countries would be classified as either negligible risk, controlled risk, or undetermined risk for bovine spongiform encephalopathy (BSE). Some commodities would be allowed importation into the United States regardless of the BSE classification of the country of export. Other commodities would be subject to importation restrictions or prohibitions based on the type of commodity and the BSE classification of the country. The criteria for country classification and commodity import would be closely aligned with those of the World Organization for Animal Health.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 92 to 96; 9 CFR 98 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Legal Deadline: None

Regulatory Plan:

Statement of Need: We are proposing to amend the regulations after conducting a thorough review of relevant scientific literature and a comprehensive evaluation of the issues and concluding that the proposed changes would continue to guard against the introduction of BSE into the United States, while allowing the importation of additional animals and animal products into this country.

Legal Basis: Under the Animal Health Protection Act of 2002 (7 U.S.C. 8301 et seq.), the Secretary of Agriculture is authorized to promulgate regulations to prevent the introduction into the United States or dissemination of any pest or disease of livestock.

Alternatives: We could leave the bovine regulations unchanged. The current regulations are not consistent with the latest scientific information, however, and, as a result, are more restrictive than necessary. Another alternative--modifying the BSE regulations related to the importation of bovines and bovine-derived products to precisely match the OIE guidelines without allowing for modification deemed necessary by APHIS--would not allow APHIS to independently interpret the scientific literature or reflect current USDA regulations and policies. Making no changes to the current regulations that govern the importation of cervids and camelids would perpetuate an unnecessary constraint on trade in those commodities, because cervids and camelids pose an extremely low BSE risk.

Costs and Benefits: Undetermined.

Risks: APHIS has concluded that the proposed changes would continue to guard against the introduction of BSE into the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	
NPRM Comment Period End	04/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Christopher Robinson

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

RIN: 0579-AC69

 [View Related Documents](#)

Title: Handling of Animals; Contingency Plans

Abstract: This rulemaking would amend the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. We are proposing these requirements because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better prepare for potential disasters. This action would heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2131 to 2159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/23/2008	73 FR 63085
NPRM Comment Period End	12/22/2008	

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

Regulatory Flexibility Analysis Required: Business;
Organizations

Government Levels Affected: Federal; Local; State

Federalism: No

Agency Contact: Jodie Kulpa-Eddy

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

RIN: 0579-AC72

 [View Related Documents](#)

Title: Official Animal Identification Numbering Systems

Abstract: This rulemaking would amend the domestic livestock regulations to phase out use of animal identification numbers beginning with a prefix other than 840 as official for use on eartags as of a specific date. In addition, the rule would phase out use of premises identification numbers that do not use the seven-character alphanumeric code format. It would also set a date for requiring all official eartags to bear the U.S. shield. These changes are intended to achieve greater standardization and uniformity of official numbering systems and eartags used in the National Animal Identification System and in animal disease programs and to enhance animal traceability.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 71; 9 CFR 77 to 80; 9 CFR 85 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
NPRM Comment Period End	01/00/2009	

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

Regulatory Flexibility Analysis

Government Levels Affected: Federal; State

Required: Undetermined

Federalism: No

Agency Contact: John Wiemers

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

RIN: 0579-AC79

 [View Related Documents](#)

Title: Importation of Lemons From Northwest Argentina

Abstract: This rulemaking would amend the fruits and vegetables regulations to allow the importation of lemons from northwest Argentina into the continental United States. As a condition of entry, lemons from northwest Argentina would have to be produced in accordance with a systems approach that would include requirements for importation in commercial consignments; a limited harvest period; registration and monitoring of places of production and packinghouses; grove sanitation, monitoring, and pest control practices; treatment with a surface disinfectant; and inspection for quarantine pests by the Argentine national plant protection organization. Lemons from northwest Argentina would also be required to be accompanied

by a phytosanitary certificate with an additional declaration stating that the lemons have been inspected and found to be free of quarantine pests and were grown and packed in accordance with the proposed requirements. In addition, within the continental United States, lemons from northwest Argentina would be prohibited from importation into or distribution in the commercial citrus-producing States of Arizona, California, Florida, Louisiana, and Texas. We are also giving public notice of our determination that northwest Argentina is a pest-free area for citrus variegated chlorosis. This action would allow for the importation of lemons from northwest Argentina into the United States while continuing to provide protection against the introduction of quarantine pests.

Priority: Other Significant
 Major: No
 CFR Citation: 7 CFR 305; 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	
NPRM Comment Period End	05/00/2009	

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Shirley Wager-Page

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AB18

 [View Related Documents](#)

Title: Phytosanitary Certificates for Imported Fruits and Vegetables

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 will require that a phytosanitary certificate accompany noncommercial consignments of fresh fruits and vegetables imported into the United States by air passengers.

Priority: Other Significant
 Major: No
 CFR Citation: 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/29/2001	66 FR 45637
NPRM Comment Period End	10/29/2001	
NPRM; Availability of Risk Assessment	05/24/2006	71 FR 29846

NPRM; Availability of Risk Assessment Comment Period End	07/24/2006	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal
Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Evelia Sosa
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Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AB82

 [View Related Documents](#)

Title: Phytophthora Ramorum; Quarantine and Regulations

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/27/2007	
Interim Final Rule	02/27/2007	72 FR 8585
Interim Final Rule Comment Period End	04/30/2007	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Local; State
Federalism: No

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

RIN: 0579-AB84

 [View Related Documents](#)

Title: Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements

Abstract: This rulemaking will 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 will include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. APHIS' approval will 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 will 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 will provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 71 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/26/2004	69 FR 52451
NPRM Comment Period End	10/25/2004	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: State

Federalism: No

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

RIN: 0579-AB91

 [View Related Documents](#)

Title: Boll Weevil; Quarantine and Regulations

Abstract: This action will establish domestic boll weevil regulations that will 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 regulations will 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Regulatory Flexibility Analysis Required: No Government Levels Affected: Federal; State
 Small Entities Affected: Business Federalism: No
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Department of Agriculture (USDA)
 Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC00

 [View Related Documents](#)

Title: Standards for Permanent, Privately Owned Horse Quarantine Facilities

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

Priority: Other Significant Agenda Stage of Rulemaking: Final Rule
 Major: No Unfunded Mandates: No
 CFR Citation: 9 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/13/2006	71 FR 74827
NPRM Comment Period End	02/12/2007	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No
 Federalism: No
 Energy Affected: No
 International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.
 Agency Contact: Ellen Buck
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Department of Agriculture (USDA)
 Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC05

 [View Related Documents](#)

Title: Citrus Canker; Compensation for Certified Citrus Nursery Stock

Abstract: This rulemaking will establish provisions under which eligible commercial citrus nurseries may, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to eradicate or control citrus canker. The payment of these funds is necessary in order to reduce the economic effects on affected commercial citrus nurseries that have had certified citrus nursery stock destroyed to control citrus canker.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	06/08/2006	
Interim Final Rule	06/08/2006	71 FR 33168
Interim Final Rule Comment Period End	08/07/2006	
Affirmation of Interim Final Rule	12/00/2008	

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

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Federal; State

Federalism: No

Energy Affected: No

Agency Contact: Stephen Poe

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC07

 [View Related Documents](#)

Title: Citrus Canker; Quarantine of the State of Florida

Abstract: This action will amend the citrus canker regulations to list the entire State of Florida as a quarantined area for citrus canker and amend the requirements for the movement of regulated articles from Florida now that the eradication of citrus canker in Florida is no longer being carried out as an objective. It will also amend the regulations to allow regulated articles that would not otherwise be eligible for interstate movement to be moved to a port for immediate export. These changes are necessary in light of the Department's determination that the established eradication program was no longer a scientifically feasible option to address citrus canker.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/01/2006	
Interim Final Rule	08/01/2006	71 FR 43345

Interim Final Rule Comment Period End	10/02/2006	
Technical Amendment	01/12/2007	72 FR 1415
Final Rule	04/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State
Federalism: No

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

RIN: 0579-AC22

 [View Related Documents](#)

Title: User Fees; Export Certification for Plants and Plant Products

Abstract: This rulemaking will amend the user fee regulations by adjusting the fees charged for export certification of plants and plant products. We are increasing these user fees for fiscal years 2008 through 2012 to reflect the anticipated costs associated with providing these services during each year. This action adds 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 costs associated with that service. Finally, the action will make several nonsubstantive changes to the regulations for clarity. These changes will enable us to properly recover the costs of providing export certification services for plants and plant products.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 354 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/12/2007	72 FR 32223
NPRM Comment Period End	08/13/2007	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State
Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Agency Contact: Kris Caraher

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

RIN: 0579-AC31

 [View Related Documents](#)

Title: Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

Abstract: This rulemaking would revise the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to bring the regulations into alignment with provisions of the Plant Protection Act. The revisions would also update the regulations in response to advances in genetic science and technology and our accumulated experience in implementing the current regulations. This is the first comprehensive review and revision of the regulations since they were established in 1987. This rule would affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 340 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: APHIS currently regulates the introduction (movement into the United States or interstate, or release into the environment) of genetically engineered organisms that may present a plant pest risk under 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests." APHIS is evaluating its regulatory program to determine if there is a need to revise its regulations in light of our current knowledge and experience and advances in science and technology.

Legal Basis: The primary authority is provided by the Plant Protection Act, which authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, and movement in interstate commerce any plant, plant product, biological control organism, noxious weed, or other article if necessary to prevent the introduction into or dissemination within the United States of any plant pest or noxious weed. Such articles may include genetically engineered products.

Alternatives: A draft environmental impact statement (DEIS) prepared for this action evaluates all of the regulatory alternatives under consideration by the Agency. Some key alternatives considered include whether APHIS should broaden the scope of the regulations to reflect its authority over noxious weeds and biological control organisms; whether and how to revise the regulations to make the Agency's use of risk-based categories—where genetically engineered organisms are classified according to risk and familiarity so that oversight and confinement vary by category—more refined, more explicit and more transparent to the industry and the public and what criteria should be used to establish risk-based categories; how to manage genetically engineered organisms that present only minor unresolved risks that can be mitigated effectively, and what factors should be considered in establishing appropriate mitigations; whether new or additional regulatory mechanisms are needed to ensure that genetically engineered organisms producing pharmaceutical or industrial compounds are subject to requirements and oversight commensurate with the potential risks; for organisms that might be commercialized but that do not meet the criteria for deregulation, whether a new type of permitting system would be more appropriate in terms of efficiency and effectiveness than the current system; whether APHIS should establish a new regulatory approach to address incidents of low-level presence of genetically engineered plant material; whether APHIS should establish a new regulatory mechanism to allow for imports of commodities for nonpropagative use, that is, for food, feed, or processing, in cases where these commodities might not have been deregulated in the United States; and whether to expand its current exemption from interstate movement restrictions additional well-studied, low-risk, genetically engineered research organisms.

Costs and Benefits: To be determined.

Risks: While APHIS has always used a risk-based approach in regulating genetically engineered organisms, there is a trend

toward more highly varied organisms. For example, genetic engineering technology has advanced to the point where organisms can be developed that produce novel proteins and other substances with biological activity or industrial utility. We have initiated this rulemaking because APHIS recognizes that the regulatory process may need greater flexibility and rigor to more appropriately regulate the increasing variety of organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement	01/23/2004	69 FR 3271
Comment Period End	03/23/2004	
Notice of Availability of Draft Environmental Impact Statement	07/17/2007	72 FR 39021
Comment Period End	09/11/2007	
NPRM	10/09/2008	73 FR 60007
NPRM Comment Period End	11/24/2008	
Final Action	01/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No
Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

RIN: 0579-AC36

 [View Related Documents](#)

Title: Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 93 to 95 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2009	
Interim Final Rule Comment Period End	05/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

RIN: 0579-AC38

 [View Related Documents](#)

Title: Citrus Canker; Interstate Movement of Regulated Nursery Stock From Quarantined Areas

Abstract: This rulemaking will amend the citrus canker quarantine regulations to explicitly prohibit, with limited exceptions, the interstate movement of regulated nursery stock from a quarantined area and remove calamondin plants from a protocol allowing the limited interstate movement of calamondin and kumquat plants. The interstate movement of regulated nursery stock from an area quarantined for citrus canker poses a high risk of spreading citrus canker outside the quarantined area. This action is necessary to clarify our regulations and to address the risk associated with the interstate movement of regulated nursery stock from areas quarantined for citrus canker.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/16/2007	
Interim Final Rule	03/22/2007	72 FR 13423
Comment Period Extended	05/23/2007	72 FR 28827
Interim Final Rule Comment Period End	05/21/2007	
Comment Period End	06/11/2007	
Comment Period Reopened	01/29/2008	73 FR 5085
Comment Period End	02/28/2008	
Final Rule	11/00/2008	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC47

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Title: Importation of Table Eggs From Regions Where Exotic Newcastle Disease Exists

Abstract: This rulemaking will amend the regulations regarding the importation of animal products in order to modify the requirements concerning the importation of eggs (other than hatching eggs) from regions where exotic Newcastle disease (END) exists. This action is necessary in order to provide a more efficient and effective testing option for determining the END status of flocks producing eggs (other than hatching eggs) for export to the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 94 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/13/2007	72 FR 45177
NPRM Comment Period End	10/12/2007	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Christopher Robinson

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC59

 [View Related Documents](#)

Title: Import/Export User Fees

Abstract: This rulemaking would amend the regulations concerning user fees for import- and export-related services that we provide for animals, animal products, birds, germplasm, organisms, and vectors. We are proposing increases in those fees for fiscal years 2009 through 2013 in order to ensure that the fees accurately reflect the anticipated costs of providing these services each year. By publishing the annual user fee changes in advance, users can incorporate the fees into their budget planning. The user fees pay for the actual cost of providing these services.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 130 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/04/2008	73 FR 31771
NPRM Comment Period End	08/04/2008	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No
Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

RIN: 0579-AC63

 [View Related Documents](#)

Title: Importation of Cattle From Mexico; Addition of Port at San Luis, Arizona

Abstract: This rulemaking will amend the regulations regarding the importation of cattle from Mexico by adding San Luis, AZ, as a port through which cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases may be imported into the United States. A new facility for the handling of animals is to be constructed on the Mexican side of the border at the port of San Luis, AZ, that will be equipped with facilities necessary for the proper chute inspection, dipping, and testing that are required for such cattle under the regulations. The rule will also amend the regulations to remove provisions that limit the admission of cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases to the State of Texas. The statutory requirement that limited the admission of those cattle to the State of Texas has been repealed. These changes make an additional port of entry available and relieve restrictions on the movement of imported Mexican cattle within the United States.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/29/2008	73 FR 5132
NPRM Comment Period End	03/31/2008	
Final Rule	11/00/2008	

Additional Information: Additional information about APHIS and its programs is available on the Internet at

<http://www.aphis.usda.gov>.

Regulatory Flexibility Analysis Required: Business; Governmental Jurisdictions: Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Betzaida Lopez

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

RIN: 0579-AC67

 [View Related Documents](#)

Title: Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist

Abstract: This rulemaking would relieve certain restrictions regarding the movement of Hass variety avocados. Specifically, the action would amend our domestic quarantine regulations to provide for the interstate movement of Hass avocados from Mexican fruit fly and sapote fruit fly quarantined areas with a certificate if the fruit is safeguarded after harvest in accordance with specific measures. In addition, the action would amend our foreign quarantine regulations to remove trapping and bait spray treatment requirements related to *Anastrepha* spp. fruit flies for imported Hass avocados from Michoacan, Mexico. These actions are warranted in light of research demonstrating the limited host status of Hass avocados to various species of fruit flies in the genus *Anastrepha*, including Mexican fruit fly and sapote fruit fly. By amending our domestic and foreign regulations, we would make our domestic and foreign requirements for movement of Hass avocados consistent with each other and would relieve restrictions for Mexican Hass avocado producers. Finally, this action would provide an alternative means for Hass avocados to be moved interstate if the avocados originate from a Mexican fruit fly or sapote fruit fly quarantine area in the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301; 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/02/2008	73 FR 17930
NPRM Comment Period End	06/02/2008	
NPRM Comment Period Reopened	06/12/2008	73 FR 33333
NPRM Comment Period End	06/26/2008	
Final Rule	12/00/2008	

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

Regulatory Flexibility Analysis Required: No Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Wayne D. Burnett

Domestic Coordinator, Fruit Fly Exclusion and Detection Programs, PPQ

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

RIN: 0579-AC70

 [View Related Documents](#)

Title: Revision of Regulations for the Movement of Fruits and Vegetables From Hawaii and U.S. Territories Into the Continental United States

Abstract: This rulemaking would revise and reorganize the regulations pertaining to the interstate movement of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, and make various editorial and nonsubstantive changes to the regulations to make them easier to use. We are also proposing to 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 interstate movement in the United States and to acknowledge pest-free areas in Hawaii and U.S. territories expeditiously; and doing away with the practice of listing in the regulations specific commodities as regulated articles. These changes are intended to simplify and expedite our processes for approving certain regulated articles for interstate movement and pest-free areas while continuing to allow for public participation in the processes. This proposal, if adopted, would not allow for the interstate movement of any specific new fruits or vegetables, nor would it alter the conditions for interstate movement of currently approved fruits or vegetables except as specifically described in this document. These changes would make our domestic interstate movement regulations more consistent with our fruits and vegetables import regulations. The changes would not alter the manner in which the risk associated with a regulated article interstate movement request is evaluated, nor would it alter the manner in which those risks are ultimately mitigated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 305; 7 CFR 318 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/17/2008	73 FR 34202
NPRM Comment Period End	08/18/2008	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: Business;
Governmental Jurisdictions

Government Levels Affected: No

Federalism: No

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

RIN: 0579-AC71

 [View Related Documents](#)

Title: Light Brown Apple Moth Quarantine

Abstract: We are quarantining 9 counties in California and the entire State of Hawaii because of the light brown apple moth and restricting the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the light brown apple moth into noninfested areas of the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	
Interim Final Rule Comment Period End	02/00/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Local; State
Federalism: No

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

RIN: 0579-AC74

 [View Related Documents](#)

Title: Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish

Abstract: This rulemaking will establish regulations to restrict the interstate movement and importation into the United States of live fish that are susceptible to viral hemorrhagic septicemia, a highly contagious disease of certain fresh and saltwater fish. In 2005 and 2006, viral hemorrhagic septicemia was detected in freshwater fish in several of the Great Lakes and related tributaries. The disease has been responsible for several large-scale die-offs of wild fish in the Great Lakes region. This action is necessary to prevent further introductions into, and dissemination within, the United States of viral hemorrhagic septicemia.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 71; 9 CFR 83; 9 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule (IFR)	09/09/2008	73 FR 63867
IFR; Delay of Effective Date	10/28/2008	
Interim Final Rule Comment Period End	11/10/2008	
Interim Final Rule Effective	01/09/2009	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State; Tribal
Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: P. Gary Egrie

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC75

 [View Related Documents](#)

Title: Animal Welfare; Rats and Mice

Abstract: This document gives notice that we intend to strengthen our enforcement of the regulations established under the Animal Welfare Act (AWA) as they pertain to rats and mice. While we have regulated the humane handling, care, treatment, and transportation of the majority of rats and mice covered by the AWA, we have not consistently enforced the AWA regulations and standards for domestic rats of the genus *Rattus* and mice of the genus *Mus* not bred for use in research, even though such rats and mice are covered by the AWA as a result of different allocations of APHIS' limited resources. This action would ensure that all covered rats and mice are afforded the protection of the AWA. This document follows an advance notice of proposed rulemaking that solicited comments from the public on whether we should establish specific standards for rats and mice covered by the AWA or if the existing, general standards in the regulations are sufficient to ensure their humane handling, care, treatment, and transportation. In this document, we are notifying the public that we have determined that it is not necessary to establish specific standards for covered rats and mice. The existing AWA standards provide such animals with adequate protection to ensure their welfare.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 1 to 3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2131 to 2159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Policy Statement	02/00/2009	

Additional Information: Additional information about APHIS and its programs is available on the Internet at

<http://www.aphis.usda.gov>.

Regulatory Flexibility Analysis Required: No
Federalism: No

Government Levels Affected: No

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

RIN: 0579-AC76

 [View Related Documents](#)

Title: Importation of Baby Squash and Baby Courgettes From Zambia

Abstract: This action will amend the fruits and vegetables regulations to allow the importation into the continental United States of baby squash and baby courgettes from Zambia. As a condition of entry, both commodities will have to be produced in accordance with a systems approach that will include requirements for pest exclusion at the production site, fruit fly trapping inside and outside the production site, and pest-excluding packinghouse procedures. Both commodities will also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that the baby squash or baby courgettes have been produced in accordance with the proposed requirements. This action will allow for the importation of baby squash and baby courgettes from Zambia into the United States while continuing to provide protection against the introduction of quarantine pests.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/16/2008	73 FR 28372
NPRM Comment Period End	07/15/2008	
Final Rule	11/00/2008	

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

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Business; Organizations

Government Levels Affected: Federal
Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Shirley Wager-Page
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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC77

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Title: Importation of Tomatoes From Souss-Massa, Morocco

Abstract: This action will allow the importation of commercial consignments of tomatoes from the Souss-Massa region of Morocco subject to a systems approach similar to that which is already in place for tomatoes imported into the United States from other areas of Morocco. The tomatoes will have to be produced under conditions that will include requirements for pest exclusion at the production site, fruit fly trapping inside the production site, and pest-exclusionary packinghouse procedures. The tomatoes will also be required to be accompanied by a phytosanitary certificate issued by the Moroccan national plant protection organization with an additional declaration stating that the tomatoes have been grown in registered greenhouses in the Souss-Massa region and were 60 percent or less pink at the time of packing. This action will allow for the importation of commercial consignments of tomatoes from the Souss-Massa region of Morocco into the United States while continuing to provide protection against the introduction of quarantine pests.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/16/2008	73 FR 28377
NPRM Comment Period End	07/15/2008	
Final Rule	02/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business; Organizations

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Shirley Wager-Page

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC78

 [View Related Documents](#)

Title: National Poultry Improvement Plan and Auxiliary Provisions

Abstract: This rulemaking would amend 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 proposed changes were voted on and approved by the voting delegates at the Plan's 2006 National Plan Conference. These changes would keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 145 to 147 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/28/2008	73 FR 30528
NPRM Comment Period End	07/28/2008	
Final Rule	03/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Agency Contact: Andrew R. Rhorer

Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, VS

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC81

 [View Related Documents](#)

Title: Citrus Canker; Movement of Fruit From a Quarantined Area; Bag Markings

Abstract: This rulemaking will amend the regulations governing the interstate movement of fruit from an area quarantined for citrus canker to extend the temporary exception that allows fruit to be packed for interstate movement in bags that are clearly marked with only a limited distribution statement, if those bags are then packed in a box that is marked with both the limited distribution statement and the statement "Limited Permit: USDA-APHIS-PPQ." We are extending the ending date for this temporary exemption from August 1, 2008, to August 1, 2010. This action provides for the continued use of existing inventories of bags in which regulated fruit are packed while maintaining safeguards against the movement of regulated fruit to commercial citrus-producing States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/31/2008	
Interim Final Rule	07/31/2008	73 FR 44615
Interim Final Rule Comment Period End	09/29/2008	
Final Rule	12/00/2008	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Stephen Poe

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

RIN: 0579-AC82

 [View Related Documents](#)

Title: Importation of Grapes From Chile Under a Systems Approach

Abstract: This action would amend the fruits and vegetables regulations to allow fresh table grapes from Chile to be imported into the continental United States under a systems approach. Currently, as a condition of entry, all table grapes from Chile must be fumigated with methyl bromide as a risk-mitigation measure for *Brevipalpus chilensis*. Under this proposal, we would allow a combination of risk-mitigation measures, or systems approach, to be employed in lieu of methyl bromide fumigation. The systems approach would provide an alternative to methyl bromide while continuing to provide protection against the introduction of quarantine pests into the United States.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/27/2008	73 FR 50577
NPRM Comment Period End	10/27/2008	
Final Rule	05/00/2009	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Tony Roman

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Department of Agriculture

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Phone: 301 734-8758

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

RIN: 0579-AC83

 [View Related Documents](#)

Title: Importation of Sweet Oranges and Grapefruit From Chile

Abstract: This rulemaking would amend the fruits and vegetables regulations to allow the importation, under certain conditions, of sweet oranges and grapefruit from Chile into the continental United States. Based on the evidence in a recent pest risk analysis, we believe these articles can be safely imported from all provinces of Chile, provided certain conditions are met. This action would provide for the importation of sweet oranges and grapefruit from Chile into the continental United States while continuing to protect the United States against the introduction of plant pests.

Priority: Routine and Frequent
 Major: No
 CFR Citation: 7 CFR 305; 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	08/28/2008	73 FR 50732
NPRM Comment Period End	10/27/2008	
Final Rule	05/00/2009	

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

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business
 International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.
 Agency Contact: Tony Roman
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Government Levels Affected: Federal
 Federalism: No

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

RIN: 0579-AC84

 [View Related Documents](#)

Title: National Animal Identification System; Use of 840 Animal Identification Numbers for U.S.-Born Animals Only

Abstract: This rulemaking will amend the regulations concerning the interstate movement of animals to limit the use of the animal identification number (AIN) with the 840 prefix to animals born in the United States. In addition, the rule will extend the restrictions on the removal of official identification devices to include devices applied to imported animals in their countries of origin. It also requires that if such a device is lost following importation into the United States, the animal may only be retagged with an official identification device using a numbering system other than an AIN beginning with an 840 prefix. These requirements are necessary to enhance our traceback capabilities for both domestic and imported animals in the event of a disease outbreak.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 9 CFR 71; 9 CFR 77 to 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 8301 to 8317
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/18/2008	
Interim Final Rule	09/18/2008	73 FR 54059
Interim Final Rule Comment Period End	11/17/2008	

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

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business
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Government Levels Affected: No
 Federalism: No

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

RIN: 0579-AC85

 [View Related Documents](#)

Title: Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations

Abstract: This rulemaking will establish regulations that designate the State of Florida and one parish in Louisiana as quarantined areas for citrus greening, and Florida, Guam, Hawaii, Puerto Rico, 8 parishes in Louisiana, and 32 counties in Texas as quarantined areas for Asian citrus psyllid, a vector of a bacterium that causes citrus greening. It would also establish restrictions on the interstate movement of regulated articles from the quarantined areas, as well as treatments under which Asian citrus psyllid host material may be moved interstate from a quarantined area. These actions follow the discovery of citrus greening and/or Asian citrus psyllid in the quarantined areas, and are necessary in order to prevent the spread of the disease and its vector to noninfested areas of the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301; 7 CFR 305 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2009	
Interim Final Rule Comment Period End	05/00/2009	

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

Regulatory Flexibility Analysis Required: Business
 Federalism: No
 Agency Contact: Stephen Poe
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Government Levels Affected: State

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

RIN: 0579-AC86

 [View Related Documents](#)

Title: Sirex Woodwasp; Quarantine and Regulations

Abstract: This rulemaking will quarantine counties in Michigan, New Jersey, New York, Ohio, Pennsylvania, and Vermont

Federalism: No

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

RIN: 0579-AB24

 [View Related Documents](#)

Title: Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2131 to 2159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
ANPRM	05/30/2002	67 FR 37731
ANPRM Comment Period End	07/29/2002	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

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

RIN: 0579-AB34

 [View Related Documents](#)

Title: Foot-and-Mouth Disease; Payment of Indemnity

Abstract: This rule would amend the regulations for the cooperative control and eradication of foot-and-mouth disease (FMD)

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 53 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/01/2002	67 FR 21934
NPRM Comment Period Extended	06/28/2002	67 FR 43566
NPRM Comment Period End	07/01/2002	
NPRM Comment Period End	07/31/2002	

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

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Federal; State

Federalism: No

Agency Contact: Mark Teachman

Senior Staff Veterinarian, Emergency Programs, VS

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AB44

 [View Related Documents](#)

Title: Tuberculosis in Cattle; Import Requirements

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 and captive bison based on each risk classification. These changes are necessary to help ensure that cattle and captive bison infected with tuberculosis are not imported into the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State
 Federalism: No
 Energy Affected: No
 International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.
 Agency Contact: Kelly Rhodes
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 Phone: 301 734-4356

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

RIN: 0579-AB45

 [View Related Documents](#)

Title: Karnal Bunt Compensation

Abstract: This action would amend the Karnal bunt regulations to provide for the payment of compensation to certain growers, handlers, and harvesters of grain and seed affected by Karnal bunt who are not currently eligible for compensation, and for certain wheat grown outside a regulated area that was commingled with wheat grown in a newly regulated area. It would also provide for the payment of compensation to custom harvesters and owners or lessees of other equipment for losses they incur by complying with the regulations. Compensation would be made available for all crop seasons after the final rule becomes effective. This action would generalize the provisions of two interim rules that provided compensation for specific situations that arose in four newly regulated counties in Texas during the 2000-2001 crop season. The payment of compensation is necessary in order to encourage the participation of, and obtain cooperation from, affected individuals in our efforts to contain and reduce the prevalence of Karnal bunt.

Priority: Other Significant Agenda Stage of Rulemaking: Long-term Action
 Major: No Unfunded Mandates: No
 CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
Interim Final Rule Effective	05/01/2002	
Interim Final Rule	05/01/2002	67 FR 21561
Interim Final Rule Comment Period End	07/01/2002	
Affirmation of Interim Final Rule	04/28/2008	73 FR 22785

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

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
 Energy Affected: No
 Related RINs: Related to 0579-AA83
 Agency Contact: Matthew H. Royer
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Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AB90

 [View Related Documents](#)

Title: Viruses, Serums, Toxins, and Analogous Products; Records and Reports

Abstract: This rulemaking will 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 will specify the information that must be included in the adverse event report and will require veterinary biologics manufacturers to report to APHIS the number of doses of each licensed product that they distribute. These actions will assist APHIS in providing complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 101; 9 CFR 116 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 USC 151 to 159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	08/17/2005	70 FR 48325
NPRM Comment Period End	10/17/2005	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Albert P. Morgan

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

RIN: 0579-AB97

 [View Related Documents](#)

Title: Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products

Abstract: In a final rule published in the Federal Register on January 4, 2005, we amended the regulations regarding the importation of animals and animal products to establish a category of regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States via live ruminants and ruminant products and byproducts, and added Canada to this category. We also established conditions for the importation of certain live ruminants and ruminant products and byproducts from such regions. This rule will amend the regulations to broaden who is authorized to break seals on means of conveyances carrying certain ruminants of Canadian origin. Additionally, it will amend the regulations regarding the transiting through the United States of certain ruminant products from Canada to allow for direct transloading of the products from one means of conveyance to another in the United States under Federal supervision. These actions will contribute to the humane treatment of ruminants shipped to the United States from Canada and remove an impediment to international trade, without

increasing the risk of the BSE disease agent entering the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 93 to 95 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	11/28/2005	70 FR 71213
Interim Final Rule Comment Period End	01/27/2006	

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

Regulatory Flexibility Analysis Required: Business;
Governmental Jurisdictions

Government Levels Affected: Federal; State

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Related RINs: Related to 0579-AB73

Agency Contact: Karen A. James-Preston

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC04

 [View Related Documents](#)

Title: National Veterinary Accreditation Program

Abstract: This rulemaking will 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 160 to 162 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	06/01/2006	71 FR 31109
NPRM Comment Period End	07/31/2006	
Supplemental NPRM	02/27/2007	72 FR 8634
Supplemental NPRM Comment Period End	04/30/2007	

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

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
 Energy Affected: No
 Agency Contact: Todd Behre
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 Phone: 301 734-6188

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

RIN: 0579-AC06

 [View Related Documents](#)

Title: Agricultural Inspection and AQI User Fees Along the U.S./Canada Border

Abstract: This action will amend the foreign quarantine and user fee regulations by removing the exemptions from inspection for fruits and vegetables grown in Canada and the exemptions from user fees for commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international air passengers entering the United States from Canada. As a result of this action, all agricultural products imported from Canada will be subject to inspection, and commercial conveyances, as well as airline passengers arriving on flights from Canada, will be subject to inspection and user fees. We are taking this action in part because we are not recovering the costs of our current inspection activities at the U.S./Canada border. In addition, our data show an increasing number of interceptions on the U.S./Canada border of prohibited material that originated in regions other than Canada that presents a high risk of introducing plant pests or animal diseases into the United States. These findings, combined with additional Canadian airport preclearance data on interceptions of ineligible agricultural products approaching the U.S. border from Canada, strongly indicate that we need to expand and strengthen our pest exclusion and smuggling interdiction efforts at that border. In order to do this and to recover the costs of our existing inspection activity, we need to collect user fees from commercial conveyances and international air passengers entering the United States from Canada.

Priority: Other Significant Agenda Stage of Rulemaking: Long-term Action
 Major: No Unfunded Mandates: No
 CFR Citation: 7 CFR 319; 7 CFR 354 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 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; 49 USC 80503
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	08/25/2006	71 FR 50320
Delay of Effective Date	11/22/2006	71 FR 67436
Interim Final Rule Effective	11/24/2006	
Interim Final Rule Comment Period End	11/24/2006	
Delay of Effective Date	02/26/2007	72 FR 8261

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

Regulatory Flexibility Analysis Required: Business; Government Levels Affected: Federal
 Governmental Jurisdictions
 Federalism: No
 International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise

be of international interest.

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

RIN: 0579-AC14

 [View Related Documents](#)

Title: Minimum Age Requirements for the Transport of Animals

Abstract: This rulemaking would amend the Animal Welfare Act regulations by adding minimum age and weaning requirements for the transport in commerce of animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for other regulated animals, despite the risks associated with the early transport of these species. The rule would also provide 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 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2131 to 2159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/09/2008	73 FR 26344
NPRM Comment Period End	07/08/2008	
NPRM Comment Period Reopened	07/31/2008	73 FR 44671
NPRM Comment Period Extended	09/02/2008	

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

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

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

RIN: 0579-AC41

 [View Related Documents](#)

Title: Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine

Mammals

Abstract: This rulemaking would amend the Animal Welfare Act regulations regarding transportation of live animals other than marine mammals by removing the current ambient temperature requirements for various stages in the transportation of those animals. The action would replace those requirements with a single performance standard under which the animals would be transported under climatic and environmental conditions that are appropriate for their welfare. The regulations currently require that ambient temperatures be maintained within certain ranges during transportation, but animals may be transported at ambient temperatures below the minimum temperatures if their consignor provides a certificate signed by a veterinarian certifying that the animals are acclimated to temperatures lower than the minimum temperature. This proposal would make acclimation certificates for live animals other than marine mammals unnecessary. This rule would replace a previously published proposed rule, which we are withdrawing as part of this document, that would have required that the acclimation certificate for a dog or cat be signed by the owner of the dog or cat being transported rather than by a veterinarian. This rulemaking does not address marine mammals due to their unique requirements for care and handling. We believe that establishing a single performance standard would ensure that warmblooded animals other than marine mammals are transported in climatic and environmental conditions that are not detrimental to their welfare while allowing for variations in climatic and environmental conditions that are suitable for individual animals.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 2 to 3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2131 to 2159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	01/03/2008	73 FR 413
NPRM Comment Period End	03/03/2008	
NPRM Comment Period Reopened	03/18/2008	73 FR 14403
NPRM Comment Period End	04/17/2008	

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

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

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

RIN: 0579-AC61

 [View Related Documents](#)

Title: Recordkeeping for Approved Livestock Facilities and Slaughtering and Rendering Establishments

Abstract: This rulemaking would amend the regulations regarding the interstate movement of livestock to require approved livestock facilities and listed slaughtering and rendering establishments to maintain certain records for 5 years. Currently, approved livestock facilities are required to retain certain records for 2 years, and there are no record retention provisions that apply to listed slaughtering and rendering establishments. Requiring the retention of certain records for 5 years would allow us to trace the prior movements of diseased livestock further into the past than is currently possible, thus providing the opportunity to locate potentially infected or exposed livestock that might otherwise remain unidentified. The rule would also require the operators of slaughtering and rendering establishments to sign listing agreements to document their agreement to comply with the requirements of the regulations for listed slaughtering and rendering establishments. Such agreements are currently required for approved livestock facilities but not for slaughtering and rendering facilities. The proposed change would eliminate that

inconsistency.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 71 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	07/07/2008	73 FR 38343
NPRM Comment Period End	09/05/2008	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Debra C. Cox

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC65

 [View Related Documents](#)

Title: Tuberculosis; Require Approved Herd Plans Prior to Payment of Indemnity

Abstract: This rulemaking would amend the regulations regarding the payment of indemnity for animals destroyed because of bovine tuberculosis to provide that an approved herd plan must be in place prior to the payment of indemnity, and to provide that 10 percent of the gross indemnity payment be withheld by the Animal and Plant Health Inspection Service until the conditions of an approved herd plan have been implemented. It would also amend the regulations to deny any payments of Federal indemnity for a herd whose owner has failed to follow the provisions of an approved herd plan, or has violated the conditions of an approved herd plan. We believe these proposed changes would further tuberculosis eradication efforts in the United States and protect livestock not affected with tuberculosis from the disease.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	07/24/2008	73 FR 43171
NPRM Comment Period End	09/22/2008	

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

Regulatory Flexibility Analysis Required: No Government Levels Affected: Federal; State
 Small Entities Affected: Business Federalism: No
 Agency Contact: Charles W. Hench
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 2150 Centre Avenue Building B, MSC 3E20
 Ft. Collins , CO 80526
 Phone: 970 494-7378

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

RIN: 0579-AC73

 [View Related Documents](#)

Title: Bovine Tuberculosis

Abstract: This rulemaking would amend the bovine tuberculosis regulations by removing from incorporation by reference the Bovine Tuberculosis Eradication Uniform Methods and Rules, 1999, and including in 9 CFR part 77 all Federal requirements. We are also proposing a number of substantive changes to the requirements in order to enhance our bovine tuberculosis eradication efforts. The proposed changes include, but are not limited to, tightening certain tuberculosis surveillance and reporting requirements; strengthening the quarantine and quarantine-release requirements; setting minimum testing ages, depending upon the status of the State or zone of origin and/or the purpose of movement, when testing is required for interstate movement of cattle and bison; adding new requirements to prevent the spread of tuberculosis from wildlife to cattle and bison; adding new requirements for interstate movement of dairy cattle; strengthening the requirements for individual cattle and bison that are to be added to accredited herds; and providing for the interstate movement of commuter herds. Finally, we would reorganize 9 CFR part 77 to make the regulations clearer and easier to use.

Priority: Other Significant Agenda Stage of Rulemaking: Long-term Action
 Major: No Unfunded Mandates: No
 CFR Citation: 9 CFR 50; 9 CFR 77 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 USC 8301 to 8317
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

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

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State
 Federalism: No
 Agency Contact: Charles W. Hench
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Department of Agriculture (USDA)
 Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AB92

 [View Related Documents](#)

Title: Trichinae Certification Program

Abstract: This action will amend the regulations to establish a voluntary Trichinae Certification Program for U.S. pork that has been produced under disease-prevention conditions. Under the program, we will certify pork production sites that follow prescribed good production practices that reduce, eliminate, or avoid the risk of exposure of swine to zoonotic parasites of the genus Trichinella. Such a program should enhance the ability of producers to export pork and pork products to overseas markets. This program has been developed as a cooperative effort by the U.S. Department of Agriculture, the National Pork Board, and the pork processing industry. This program will 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 149; 9 CFR 160 and 161 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317; 7 USC 1622; 15 USC 1828; 21 USC 136a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/16/2007	72 FR 27656
NPRM Comment Period End	07/16/2007	
Final Action	10/10/2008	73 FR 60464
Final Action Effective	11/10/2008	

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

Regulatory Flexibility Analysis Required: Business;
Organizations

Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

RIN: 0579-AB98

 [View Related Documents](#)

Title: Special Need Requests Under the Plant Protection Act

Abstract: This action will 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 will establish a process by which States may make a special need request.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/04/2006	71 FR 16711
NPRM Comment Period End	06/05/2006	
Final Action	10/23/2008	73 FR 63060
Final Action Effective	11/24/2008	

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

Regulatory Flexibility Analysis Required: Governmental Jurisdictions

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

Agency Contact: Osama El-Lissy

Director, Emergency and Domestic Programs, PPQ

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC35

 [View Related Documents](#)

Title: Contagious Equine Metritis; Exemption for Noncompetitive Entertainment Horses

Abstract: This rulemaking amends the regulations to allow noncompetitive entertainment horses from countries affected with contagious equine metritis to be temporarily imported into the United States under certain conditions. The regulations currently provide for the temporary importation of horses from countries affected with contagious equine metritis to compete in specified events. In recent years it has become evident that similar provisions are needed for noncompetitive entertainment horses. This action allows the temporary importation of horses into the United States solely for public exhibition and entertainment purposes while continuing to protect against the introduction and dissemination of contagious equine metritis.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/02/2007	72 FR 42318
NPRM Comment Period End	10/01/2007	
Final Action	06/05/2008	73 FR 31930
Final Action Effective	07/07/2008	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Ellen Buck

Veterinary Medical Officer, Import/Export Animals, National Center for Import and Export, VS

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

RIN: 0579-AC42

 [View Related Documents](#)

Title: Exotic Newcastle Disease; Quarantine Restrictions

Abstract: This rulemaking makes several changes to the exotic Newcastle disease domestic quarantine regulations, including adding an option for the movement of pet birds; adding restrictions on the interstate movement of live ratites out of quarantined areas; harmonizing our domestic and import regulations regarding the movement of dressed carcasses of dead birds and dead poultry; providing for the use of alternative procedures for treating manure and litter and for composting; and adding an additional surveillance period after the conditions for removing quarantine are met before quarantine is removed. We concluded that these changes are necessary based on our experiences during the eradication programs for the 2002-2003 outbreaks of exotic Newcastle disease in California, Arizona, Nevada, and Texas. In the event of an exotic Newcastle disease outbreak, these changes will help to ensure that exotic Newcastle disease does not spread from quarantined areas and that exotic Newcastle disease is eradicated within quarantined areas.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8301 to 8317

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/27/2006	71 FR 15047
NPRM Comment Period End	05/26/2006	
Final Action	05/27/2008	73 FR 30291
Final Action Effective	06/26/2008	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: Business

Federalism: No

Agency Contact: Glen Garris

Director, National Veterinary Stockpile, NCAHEM, VS

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

RIN: 0579-AC53

 [View Related Documents](#)

Title: Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List

Abstract: In accordance with the Agricultural Bioterrorism Protection Act of 2002, this rulemaking will amend and republish the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant

products. The Act requires the biennial review and republication of the list of select agents and toxins and the revision of the list as necessary. This action will implement the findings of the second biennial review of the list.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 331; 9 CFR 121 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 8401

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/28/2007	72 FR 49231
NPRM Comment Period End	10/29/2007	
NPRM Comment Period Reopened	11/16/2007	72 FR 64540
Comment Period End	12/03/2007	
Final Action	10/16/2008	73 FR 61325
Final Action Effective	11/17/2008	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Federalism: No

Agency Contact: Gwendolyn Burnett

Select Agent Program Compliance Manager, PPQ

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Agency Contact: Frederick D. Doddy

Veterinary Medical Officer, Animals, Organisms and Vectors, and Select Agents, VS

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC55

 [View Related Documents](#)

Title: Importation of Nursery Stock; Postentry Quarantine Requirements for Potential Hosts of Chrysanthemum White Rust and Definition of "From"

Abstract: This action withdraws a proposed rule that would have amended the nursery stock regulations to provide an option in which the postentry quarantine growing period for articles of Chrysanthemum spp., Leucanthemella serotina, and Nipponanthemum nipponicum that are imported from certain locations would have been reduced from 6 months to 2 months, provided that the grower of those plants implemented a systems approach to prevent the imported articles from being infected with chrysanthemum white rust. The proposed rule would also have amended the definition of "from." We are taking this action after considering the comments we received following the publication of the proposed rule.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 319 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM; Withdrawal and Reproposal	08/08/2007	72 FR 44425
NPRM Comment Period End	10/09/2007	
NPRM Comment Period Reopened	10/26/2007	72 FR 60790
NPRM Comment Period End	11/26/2007	
Withdrawn	05/06/2008	73 FR 24886

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

Regulatory Flexibility Analysis Required: No Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Arnold T. Tschanz

Senior Import Specialist, Commodity Import Analysis and Operations, PPQ

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Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

RIN: 0579-AC57

 [View Related Documents](#)

Title: Consolidation of the Fruit Fly Regulations

Abstract: This rulemaking amends the regulations to consolidate our domestic regulations regarding exotic fruit flies.

Currently, these regulations are contained in six separate subparts, each of which covers a different species of fruit fly, and each of these subparts has parallel sections that are substantially the same as the corresponding sections in the other subparts.

Therefore, we are combining these six subparts into a single subpart. We are also modifying the regulations by adding a mechanism through which quarantined areas can be removed from regulation expeditiously. These actions eliminate duplication and enhance the flexibility of our regulatory program.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 301; 7 CFR 305 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/18/2007	72 FR 53171
NPRM Comment Period End	11/19/2007	
Final Action	06/09/2008	73 FR 32431
Final Action Effective	07/09/2008	

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

Regulatory Flexibility Analysis Required: No Government Levels Affected: No

Federalism: No

Agency Contact: Wayne D. Burnett

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

RIN: 0579-AC62

 [View Related Documents](#)

Title: Interstate Movement of Fruit From Hawaii

Abstract: This rulemaking amends the Hawaiian fruits and vegetables regulations to allow mangosteen, dragon fruit, melon, pods of cowpea and its relatives, breadfruit, jackfruit, and fresh moringa pods to be moved interstate from Hawaii under certain conditions. This action allows the movement of these tropical fruits from Hawaii to the continental United States while continuing to provide protection against the spread of plant pests from Hawaii to the continental United States.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 305; 7 CFR 318 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/15/2007	72 FR 64163
NPRM Comment Period End	01/14/2008	
Final Action Effective	05/06/2008	
Final Action	05/06/2008	73 FR 24851

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: David B. Lamb

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

RIN: 0580-AA94

 [View Related Documents](#)

Title: United States Standards for Rough Rice; United States Standards for Brown Rice for Processing; and United States Standards for Milled Rice

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 868 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1627

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Grain Inspection, Packers and Stockyards Administration (GIPSA)

RIN: 0580-AB03

 [View Related Documents](#)

Title: Registration, 5-Year Terms

Abstract: GIPSA is proposing to amend an existing regulation under the Packers and Stockyards Act concerning registration of market agencies and dealers. The proposed amendment would modify the current registration requirements to establish a 5-year term for registrations. Under the current regulations, there is no expiration or renewal process for registrations. The proposed amendment would require regulated entities to renew their registration every 5 years.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 201 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 228

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0580-AB04

 [View Related Documents](#)

Title: Livestock, Poultry, and Feed Weighing

Abstract: GIPSA is proposing to amend an existing weighing regulation under the Packers and Stockyards Act, 1921 concerning Purchases, Sales, Acquisitions, Payments and Settlements to be Made on Actual Weights. The proposed amendment to the current regulation would clarify that actual weight must be used for weighing livestock and poultry for purchases, sales, acquisitions, payments, and settlements. The proposed amendment would remove references to specific types of regulated entities and thus clarify that the regulation applies to types of transactions regardless of what type of party is performing the transaction. The current regulation requires that any adjustments to the actual weight of livestock and live poultry must be full and accurately explained. The proposed amendment would extend that requirement to adjustments to the weight of unused feed. We propose removing current language allowing for the use of "reasonably determined" estimated weight rather than actual weight. This would make this regulation consistent with other regulations issued under the P&S Act, which do not allow "reasonably determined" weight.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 201 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 228

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0580-AA98

 [View Related Documents](#)

Title: Poultry Contracts; Initiation, Performance, and Termination

Abstract: GIPSA is proposing to amend the regulations issued under the Packers and Stockyards Act, 1921, concerning Records To Be Furnished Poultry Growers and Sellers. The regulations list the records live poultry dealers must furnish poultry growers, including requirements for the timing and contents of poultry growout contracts. The proposed amendments would require poultry companies to timely deliver a copy of an offered contract to growers; to include information about any Performance Improvement Plans in contracts; to include provisions for written termination notices in contracts; and notwithstanding a confidentiality provision, allow growers to discuss the terms of contracts with designated individuals.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 201 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 221

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/01/2007	72 FR 41952
NPRM Comment Period End	10/30/2007	72 FR 41952
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: H. Tess Butler

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Department of Agriculture (USDA)

Grain Inspection, Packers and Stockyards Administration (GIPSA)

RIN: 0580-AA99

 [View Related Documents](#)

Title: Weighing; Feed and Swine Contractors

Abstract: GIPSA is proposing to amend four existing scales and weighing regulations issued under the Packers and Stockyards Act to ensure that payments by live poultry and swine production contract growers are based on accurate weighing of both inputs and outputs. We propose to amend a regulation on scale tickets to reduce redundant wording and clarify weighing procedures. We propose to amend a regulation on reweighing to add swine contractors to the list of firms that must comply and to add feed to the list of items for which reweighing may be requested. We propose to amend two regulations on weighing livestock and poultry to add weighing processes for feed, to add a specific time limit for weighing poultry, and to add swine contractors to the list of firms that must comply with care and promptness requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 201 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 221

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/11/2008	73 FR 7686
NPRM Comment Period End	04/11/2008	73 FR 7686
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: H. Tess Butler

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

RIN: 0580-AA96

 [View Related Documents](#)

Title: Request for Public Comment on the United States Standards for Soybeans

Abstract: GIPSA published an advance notice of proposed rulemaking in the Federal Register on May 1, 2007, initiating a review of the United States Standards for Soybeans to determine their effectiveness and responsiveness to current grain industry needs. The original notice provided an opportunity for interested parties to comment until July 2, 2007. In response to a request from the soybean industry, on July 20, 2007, GIPSA reopened the comment period until August 20, 2007, to provide interested parties with additional time in which to comment. The comments received did not indicate a consensus on needed changes to the standards. Therefore, GIPSA is withdrawing the rulemaking.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 810 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 71 to 87K

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	05/01/2007	72 FR 23775
ANPRM Comment Period End	07/02/2007	72 FR 23775
Withdrawn	07/14/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: H. Tess Butler

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

RIN: 0580-AB01

 [View Related Documents](#)

Title: Swine Contractors

Abstract: GIPSA is proposing to add "swine contractors" to the list of regulated entities subject to specific regulations under the Packers and Stockyards Act. In 2002, Congress added swine contractors as entities regulated under the P&S Act. The specific regulations we propose to amend prohibit regulated entities from circulating misleading reports about market conditions or prices. We also propose to amend regulations that address inspection of business records and facilities, information that regulated entities are required to share with the Secretary of Agriculture, and USDA's responsibility to refrain from unauthorized disclosure of that information.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 201 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 221

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/08/2008	73 FR 7482
NPRM Comment Period End	04/08/2008	
Final Action	10/21/2008	73 FR 62439

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: H. Tess Butler

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Department of Agriculture (USDA)

Grain Inspection, Packers and Stockyards Administration (GIPSA)

RIN: 0580-AB02

 [View Related Documents](#)

Title: Swine Contract Library Reissue

Abstract: GIPSA is proposing to reissue an existing regulation under the Packers and Stockyards Act, concerning the Swine Contract Library. The authorization for this regulation, the Livestock Mandatory Reporting Act, expired in October 2004, but was reauthorized in October 2006. We are publishing this rule without a prior proposed rule because the Agency views this action as noncontroversial and anticipates no adverse comment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 228

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/17/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: H. Tess Butler

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

RIN: 0581-AC52

 [View Related Documents](#)

Title: Standards for Condition of Food Containers (FV-05-332)

Abstract: The Agricultural Marketing Service (AMS) is proposing to revise regulations pertaining to "Standards for Condition of Food Containers (7 CFR Part 42)". 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 42 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1622 through 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	
Final Action	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Agency Contact: Lynne Eyre Yedinak

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

RIN: 0581-AC57

 [View Related Documents](#)

Title: National Organic Program: Access to Pasture (TM-05-14)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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

RIN: 0581-AC74

 [View Related Documents](#)

Title: Federal Seed Act Amendments (LS-07-14)

Abstract: The Agricultural Marketing Service routinely reviews its regulations to ensure that they are current and meet the needs of the program being administered. The latest review of the Federal Seed Act regulations identified a number of changes that are needed to bring the regulations up-to-date, to prevent conflicts with State regulations, and to continue to protect farmers and consumers of seed, as well as companies that purchase seed for resale. In addition, these changes will continue help to maintain a level playing field for all companies that ship seed in interstate commerce. In addition, the Agency is proposing to designate seeds of additional species, recently added to the Federal Noxious Weed Act, as noxious when present in interstate seed shipments; change seed testing regulations for certain grass kinds to reflect current industry testing procedures; update the regulations pertaining to labeling chemically treated seed to include current Environmental Protection Agency terminology; clarify the use of variety and brand names; add a requirement to label the percentage of dormant seed; remove an exemption from labeling the percentage germination for two kinds of seed; make changes to the seed certification standards and procedure to reflect current seed certification practices; and made corrective changes to punctuation and other minor errors.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 201 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1551 to 1611

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	04/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Richard C. Payne
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Department of Agriculture (USDA)
 Agricultural Marketing Service (AMS)

RIN: 0581-AC78

 [View Related Documents](#)

Title: U.S. Honey Producer Research, Promotion, and Consumer Information Order

Abstract: The U.S. Honey Producer Research, Promotion, and Consumer Information Order would be implemented under the Commodity Promotion, Research, and Information Act of 1996. The purpose of the new program would be to increase consumption of U.S. produced honey and honey products. This proposed new program will assist the U.S. honey industry to: Develop and finance an effective and coordinated program to strengthen the position of the U.S. honey industry; and maintain, develop, and expand existing markets for U.S. honey. In the past few decades, U.S. commercial bee keepers have seen a worrisome and dramatic decline in the population of U.S. honey bees. According to a report released in 2006 by the National Research Council, the population of American honey bees has plunged by 30 percent in 20 years and so has therefore production also declined substantially. It is the hope of the U.S. honey industry that a Research and Promotion Program will help increase consumption of U.S. honey.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 7411 to 7425

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	05/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

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

RIN: 0581-AC79

 [View Related Documents](#)

Title: Processed Raspberry Promotion, Research, and Information Order

Abstract: The Processed Raspberry Promotion, Research, and Information Order (Order) would be implemented under the Commodity Promotion, Research, and Information Act of 1996. The purpose of the new program would be to increase the consumption of processed raspberries in the United States. The proposed new program will assist the processed raspberry industry to: (1) Develop and finance an effective and coordinated program to strengthen the position of the processed raspberry industry; and (2) maintain, develop, and expand existing markets for processed raspberries. Over the last 15 years, total domestic production of raspberries delivered to processors has increased modestly while imported raspberries have surged. It is the hope of the domestic processed raspberry industry that a Research and Promotion Program will help balance the supply and demand, grow the market in the aggregate for all suppliers, and increase the consumption of processed raspberries.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 7411 to 7425

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	05/00/2009	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business; Governmental
 Jurisdictions; Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0581-AC82

 [View Related Documents](#)

Title: Mushroom Promotion, Research and Consumer Information Order (FV-08-702)

Abstract: The Farm bill of 2008 amends the Mushroom Promotion, Research and Consumer Information Act of 1990 by changing the number of regions for nominations purposes from four to three; adjusting the number of pounds required to appoint members to the Mushroom Council; and to allow for the development of good agricultural and good handling practices.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1209 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 6101 to 6112

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	04/00/2009	

Regulatory Flexibility Analysis Required: Business;
 Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0581-AC83

 [View Related Documents](#)

Title: Farmers Market Promotion Program (TM-08-07)

Abstract: This proposed rule establishes administration and application procedures for the Farmers' Market Promotion Program. The purpose of the FMPP is to make grants available to eligible entities for projects to establish, expand, and promote farmers' markets and to promote direct producer-to consumer marketing.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 3005

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Agricultural Marketing Service (AMS)

RIN: 0581-AC84

 [View Related Documents](#)

Title: Cotton Research and Promotion Program: Designation of Cotton-Producing States (CN--08-003)

Abstract: The Food, Conservation, and Energy Act of 2008 on May 22, 2008, amended the Cotton Research and Promotion Act and designated the States of Kansas, Virginia, and Florida individually in the definition of "cotton-producing State" effective with the 2008 crop of cotton. The major effect of this change is that any cotton producer organization within a cotton-producing State may request the Secretary of Agriculture for certification to participate in nominating members and alternate members to represent such State on the Cotton Board.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1205 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2101 to 2118

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	07/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

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

RIN: 0581-AC89

 [View Related Documents](#)

Title: Establishment of Honey Regulations (Farm Bill) (FV-08-330)

Abstract: The Food, Conservation, and Energy Act of 2008 contains provisions that modify the Agricultural Marketing Act of 1946 by requiring that all honey bearing any official U.S. Department of Agriculture mark or statement must also have the name(s) of the countries of origin legibly, permanently, in close proximity to, and at least comparable in size to the official mark.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1622(h)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0581-AC26

 [View Related Documents](#)

Title: Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-07-0081)

Abstract: The Farm Security and Rural Investment Act of 2002 (Farm Bill) (Pub. L. 107-171) and the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107-206) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The FY 2004 Consolidated Appropriations bill (2004 Appropriations) (Pub. L. 108-199) delayed implementation of mandatory Country of Origin Labeling (COOL) for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. The FY 2006 Agriculture Appropriations Bill further delayed the implementation date for other covered commodities until September 30, 2008.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 7 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1621 through 1627, Agricultural Marketing Act of 1946

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		09/30/2008

Timetable:

Action	Date	FR Cite
NPRM	10/30/2003	68 FR 61944
NPRM Comment Period End	12/29/2003	
Interim Final Rule	10/05/2004	69 FR 59708
Interim Final Rule Comment Period End	01/03/2005	
Interim Final Rule Effective	04/04/2005	
Comment Period Extended	11/27/2006	71 FR 68431
Comment Period End	02/26/2007	
Comment Period Extended	06/20/2007	72 FR 33851
Comment Period End	08/20/2007	72 FR 33851
Interim Final Rule	08/01/2008	73 FR 45105
Interim Final Rule Comment Period End	08/30/2008	73 FR 45106
Final Action	12/00/2008	

Additional Information: On August 1, 2008, the Agricultural Marketing Service published an interim final rule implementing regulations pertaining to Country of Origin and Labeling as directed in The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill); however, the 2008 Farm Bill contained a number of provisions that amends the regulations. These changes included the addition of chicken, goat, macadamia nuts, pecans, and ginseng as covered commodities, the addition of provisions for labeling products of multiple origin, as well as a number of other changes. The effective date imposed in the 2002 Farm Bill did not change. So in order to meet the September 30, 2008, implementation date, AMS published interim final rule with request for comments to allow newly affected industries the opportunity to comment prior to issuance of final rule.

Regulatory Flexibility Analysis Required: Business Government Levels Affected: State

Federalism: Yes

Energy Affected: No

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

RIN: 0581-AC71

 [View Related Documents](#)

Title: National Organic Program: Amending the National List [Processing] (TM-07-06)

Abstract: The Agricultural Marketing Service amended the National Organic Program's National List of Allowed and Prohibited Substances regulations. The National List identifies the synthetic substances that may be used and the non-synthetic substances that may not be used in organic production.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 205 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 6501 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/15/2007	72 FR 27252

NPRM Comment Period End	05/22/2007	
Interim Final Rule	06/27/2007	72 FR 35137
Interim Final Rule Comment Period End	08/27/2007	72 FR 35137
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Agricultural Marketing Service (AMS)

RIN: 0581-AC87

 [View Related Documents](#)

Title: Dairy Import Assessments (DA-08-07)

Abstract: The Agricultural Marketing service is establishing a dairy import assessment program as required by law. This action is in conformance the Food, Conservation, and Energy Act of 2008 (Farm Bill). The Farm Bill mandates that the Dairy Promotion and Research Order be amended to implement an assessment on imported dairy products to fund promotion and research, and allow for importer representation on the National Dairy Promotion and Research Board.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1150 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 4501 to 4513

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Assessments on imported dairy products must be implemented by deadline.	09/19/2008

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: **Business;**
Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Agricultural Marketing Service (AMS)

RIN: 0581-AC88

 [View Related Documents](#)

Title: Specialty Crop Block Grant Program (Farm Bill)

Abstract: The Agricultural Marketing Service is establishing regulations to administer the Special Crop Block Grant Program (SCBGP) to enhance the competitiveness of specialty crops. The interim final rule is intended to establish eligibility and application requirements, the review and approval process, and grant administration procedures for SCBGP. The SCBGP is authorized under section 101 of the Specialty Crops Competitiveness Act (7 U.S.C. 1621 note) and amended un the Food, Conservation, and Energy Act of 2008. Section 101 direction the Secretary of Agriculture to make grants available to States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1291 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1621

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/05/2008	
Interim Final Rule	09/04/2008	73 FR 51585
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: Business;
Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0581-AB97

 [View Related Documents](#)

Title: National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals, (TM-01-08)

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. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 205 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 6501 through 6522

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/00/2009	

Regulatory Flexibility Analysis
Required: Governmental Jurisdictions

Government Levels Affected: Federal; Local; State;
Tribal

Federalism: No

Energy Affected: No

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

RIN: 0581-AC75

 [View Related Documents](#)

Title: Cotton Crop Classification Services (CN-07-003 B)

Abstract: The Smith-Doxey Amendment of 1937 to the Cotton Statistics Estimates Act of 1927 provided authority for the USDA to perform cotton classification and market news services to producers at no cost. The statutory authority for the delivery of classing services and collection of applicable fees will lapse on September 30, 2007. This rulemaking is necessary to re-establish the regulatory authority for the program's continued operation and incorporate the current fee structure for the 2007 crop year which was published in the Federal Register June 1, 2007 [72 FR 30457], under the authority of the Cotton Standards Act of 1923.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 473a; 7 USC 471 to 476

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	10/01/2007	72 FR 56242
Interim Final Rule	10/03/2007	72 FR 56242

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0581-AC77

 [View Related Documents](#)

Title: National Organic Program, Sunset (2011)(Crops and Processing) (TM-07-14)

Abstract: The Agricultural Marketing Service (AMS) is amending regulations pertaining to the National List of Allowed and Prohibited Substances. As required by the National Organic Foods Production Act of 1990, the allowed use of the 12 synthetic and non-synthetic substances in organic production and handling will expire on September 12, 2001. The AMS published an advance notice of proposed rulemaking to make the public aware of this requirement. AMS believes that public comment is essential in the review process to determine whether these substances should continue to be allowed or prohibited in the production and handling of organic agricultural products.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 205 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 6501

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/14/2008	73 FR 13795
ANPRM Comment Period End	05/13/2008	
NPRM	10/00/2010	
Final Action	08/00/2011	

Regulatory Flexibility Analysis Required: Business;
Governmental Jurisdictions; Organizations

Government Levels Affected: Federal; Local; State;
Tribal

Federalism: No

Energy Affected: No

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

RIN: 0581-AC66

 [View Related Documents](#)

Title: Mandatory Reporting for Dairy Programs (DA-06-07)

Abstract: The Agricultural Marketing Service is proposing to establish a Dairy Product Mandatory Reporting Program. The 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 USC 1621 through 1677 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 106-532

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/2007	72 FR 36341
Interim Final Rule Effective	08/02/2007	72 FR 36341
Comment Period Extended	11/02/2007	72 FR 62105

Comment Period Extended	11/02/2007	72 FR 62105
Comment Period End	12/03/2007	72 FR 62105
Final Action	06/17/2008	73 FR 34175
Final Action Effective	06/22/2008	73 FR 34175

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

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

RIN: 0581-AC67

 [View Related Documents](#)

Title: Livestock Mandatory Reporting: Revise Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef (LS-07-01)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 59 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1621

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/08/2007	72 FR 44672
NPRM Comment Period Extended	09/07/2007	72 FR 51378
Final Action	05/16/2008	73 FR 28605
Final Action Effective	07/15/2008	73 FR 28605

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0581-AC70

 [View Related Documents](#)

Title: Sorghum Research and Promotion; Establishing the Program (LS-07-02)

Abstract: The Agricultural Marketing Service established a new program entitled Sorghum Promotion, Research, and Information Order. This document finalizes all phases of implementation of the regulations. The intent of the program is to increase the profitability of U.S. sorghum producers, advance sorghum's position in the ethanol market, and develop foreign markets for sorghum.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1221 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 7411 to 7425; PL 104-127, Stat 1029

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/23/2007	72 FR 65841
NPRM Comment Period End	01/22/2008	
Final Action Effective	05/07/2008	73 FR 25397
Final Action	05/06/2008	73 FR 25397

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

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

RIN: 0581-AC72

 [View Related Documents](#)

Title: Perishable Agricultural Commodities Act, Compliant Filing Fees (FV-07-376)

Abstract: The Agricultural Marketing Service revised regulations pertaining to the Perishable Agricultural Commodities Act (PACA) to increase compliant filing fees. This action increased from \$60 to \$100 the fee for filing an informal compliant; and \$300 to \$500 the fee for filing a formal compliant. During the January 2007 meeting, the Fruit and Vegetable Industry Advisory Committee recommended to the Secretary of Agriculture that the fees be raised; in addition, the Office of Management and Budget, during its Performance Assessment Rating Tool (PART) review of the PACA program, suggested that the fees be raised.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 47 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 499o

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/01/2007	72 FR 61820
NPRM Comment Period End	12/31/2007	
Final Action	05/30/2008	73 FR 31015
Final Action Effective	06/30/2008	73 FR 31015

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
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Government Levels Affected: No
 Federalism: No

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

RIN: 0581-AC73

 [View Related Documents](#)

Title: Egg, Poultry, and Rabbit Grading: Increase in Fees (PY-07-0065)

Abstract: The Agricultural Marketing Service has revised the fees and charges for Federal voluntary egg, poultry, and rabbit grading for 2 years. The purpose of the increases are to cover salaries of Federal employees, State employees cooperatively utilized in administering the program, and other increased Agency costs.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 56; 7 CFR 70 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1621 through 1627

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/06/2007	72 FR 62591
NPRM Comment Period End	12/06/2007	
Final Rule	03/04/2008	73 FR 11517
Final Rule Effective	03/30/2008	73 FR 11517

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
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Government Levels Affected: No
 Federalism: No

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

RIN: 0581-AC76

 [View Related Documents](#)

Title: National Organic Program, Sunset (2008) (TM-07-12)

Abstract: This rule pertains to The Agricultural Marketing Services' National Organic Program. This amendment announces the sunset of 11 exempted substance and 1 prohibited substance added to the National List. This rule also begins the public comment process on whether the identified existing exemptions or prohibitions should be continued. Finally, this rule discusses how the NOP will manage the sunset review and renewal process.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 205 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 6501

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/28/2007	72 FR 73667
ANPRM Comment Period End	01/28/2008	
NPRM	07/14/2008	73 FR 40194
NPRM Comment Period End	08/13/2008	73 FR 40194
Final Rule	10/09/2008	73 FR 59479
Final Rule Effective	11/03/2008	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Local; State; Tribal

Federalism: No

Energy Affected: No

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

RIN: 0581-AC80

 [View Related Documents](#)

Title: User Fees for 2008 Crop Cotton Classification Services to Growers

Abstract: The Agricultural Marketing Service raised user fees for cotton producers for 2008 crop cotton classification services under the Cotton Statistics and Estimates Act. This final rule will raise the fee to \$2 per bale. The increased fee and the existing reserve are sufficient to cover the costs of providing classification services, including costs for administration and supervision.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 473a; 7 USC 471 to 476

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/17/2008	73 FR 20842
NPRM Comment Period End	05/02/2008	
Final Action	05/29/2008	73 FR 30734
Final Action Effective	07/01/2008	73 FR 30734

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information

URL: www.ams.usda.gov/cotton/rulemaking.htmPublic Comment URL: www.regulations.gov

Agency Contact: Darryl Earnest

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Department of Agriculture (USDA)

Agricultural Marketing Service (AMS)

RIN: 0581-AC81

 [View Related Documents](#)

Title: National Organic Program, Amending the National List--Livestock (Use of Methionine) TM-08-05

Abstract: The Agricultural Marketing Service is amending regulations pertaining to the National List of Allowed and Prohibited Substances. This action would continue the use of "Methionine" (a feed additive) in organic poultry until October 1, 2010.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 205 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 6501

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/14/2008	73 FR 40197
NPRM Comment Period End	08/13/2008	73 FR 40197
Final Action Effective	09/19/2008	
Final Action	09/18/2008	73 FR 54057

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Agricultural Marketing Service (AMS)

RIN: 0581-AC85

 [View Related Documents](#)

Title: Federal Milk Marketing Orders (DA-08-04)

Abstract: This document informs interested parties of a final rule that the Agricultural Marketing Service will publish establishing "Rules of Practice" for the Federal Milk Marketing Order rulemaking process. This document is being published as a

result of legislation enacted by the Food, Conservation, and Energy Act of 2008 (Farm Bill).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 900 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 601 to 674 and 7253

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Supplemental Guidelines must be published by deadline.	08/19/2008

Timetable:

Action	Date	FR Cite
Final Action Effective	08/20/2008	
Final Action	08/20/2008	73 FR 49085

Regulatory Flexibility Analysis Required: Business;
Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Agricultural Marketing Service (AMS)

RIN: 0581-AC86

 [View Related Documents](#)

Title: Dairy Forward Pricing Program (DC-08-05)

Abstract: The Agricultural Marketing Service is establishing a program for producers and cooperative associations to enter voluntarily into forward price contracts with handlers for milk used for Class II, III, or IV purposes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1140; 7 CFR 1145 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Dairy Forward Pricing Program must be established by deadline.	09/19/2008

Timetable:

Action	Date	FR Cite
Final Action	10/31/2008	73 FR 64868

Regulatory Flexibility Analysis Required: Business;
Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0583-AD30

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Title: Product Labeling: Use of the Voluntary Claim "Natural" on the Labeling of Meat and Poultry Products

Abstract: The Food Safety and Inspection Service (FSIS) is issuing this Advance Notice of Proposed Rulemaking (ANPRM) as part of its process to establish the conditions under which the Agency will permit the voluntary claim "natural" to be used on the labeling of meat and poultry products. After considering comments on the "natural" claim submitted by the public in response to a Federal Register notice that the Agency issued on December 5, 2006, and the comments presented at a public meeting held by the Agency on December 12, 2006, FSIS has decided to solicit additional public input. FSIS has concluded that another round of preliminary comments could help resolve the issues surrounding "natural." Therefore, the Agency is publishing this ANPRM to solicit more focused comments on the issue.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 317; 9 CFR 381 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 601 et seq; 21 USC 421 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Small Entities Affected: Business

Federalism: No

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

RIN: 0583-AC58

 [View Related Documents](#)

Title: Egg Products Inspection Regulations

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.

Priority: Economically Significant
 Major: Yes
 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; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 21 USC 1031 to 1056
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: Undetermined

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business; Governmental Jurisdictions

Government Levels Affected: Federal; State
 Federalism: Undetermined

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

RIN: 0583-AC59

 [View Related Documents](#)

Title: Prior Labeling Approval System: Generic Label Approval

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.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 9 CFR 317; 9 CFR 327; 9 CFR 381; 9 CFR 412 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 21 USC 451 to 470; 21 USC 601 to 695
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

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

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

RIN: 0583-AC83

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Title: Classes of Poultry; Updating Poultry Class Standards

Abstract: FSIS will re-propose this rule based on new information on the definition and standard for "roaster" and "roasting chicken." The Agency will not re-propose any other definition in this rule. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 381.170(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 USC 451

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/29/2003	68 FR 55902
NPRM Comment Period End	02/09/2004	
Second NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 0583-AD01

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Title: Addition of Mexico to the List of Countries Eligible for the Importation of Slaughtered (Fresh) Poultry and Egg Products Into the United States

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 381 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Duplicate of 0583-AC92

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

RIN: 0583-AD14

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Title: Electronic Signatures

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to accept electronic signatures as equal to handwritten signatures so long as the electronic report-generating and recordkeeping system uses procedures and controls designed to ensure authenticity, integrity, and where necessary, confidentiality. Such systems must also ensure that signatures are linked to records; that signatures cannot be excised, copied, transferred, or otherwise falsified; and that the signer cannot repudiate signed records as not genuine.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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 (GPEA) of 1998 (PL 105-277, title XVII)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0583-AD23

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Title: Definition of Veal

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 301; 9 CFR 317 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0583-AD27

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Title: Addition of the People's Republic of China to the List of Countries Eligible To Export Poultry and Poultry Products to the U.S.

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 381 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 138f; 21 USC 450 to 470; 7 CFR 2.7, 2.18, 2.53

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No Federalism: No
Energy Affected: No
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Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

RIN: 0583-AD28

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Title: Changes to Regulatory Jurisdiction Over Certain Food Products Containing Meat and Poultry

Abstract: The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) have concluded that a clearer approach to determining jurisdiction over meat and poultry products is possible. This approach involves considering the contribution of the meat or poultry ingredients to the identity of the food. FSIS is proposing to amend the Federal meat and poultry products inspection regulations to provide consistency and predictability in the regulatory jurisdiction over nine products or product categories. Historically there has been confusion about whether these products fall within the jurisdiction of FSIS or FDA. These proposed changes would exempt cheese and cheese products prepared with less than 50 percent meat or poultry; breads, rolls and buns prepared with less than 50 percent meat or poultry; dried poultry soup mixes; flavor bases and flavors; pizza with meat or poultry; and salad dressings prepared with less than 50 percent meat or poultry from the requirements of the Federal Meat Inspection Act and the Poultry Product Inspection Act and would clarify that bagel dogs, natural casings, and close faced-sandwiches are subject to the requirements of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

Priority: Other Significant Agenda Stage of Rulemaking: Proposed Rule
Major: Undetermined Unfunded Mandates: No
CFR Citation: 9 CFR 303.1; 9 CFR 381.15 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
Legal Authority: 21 USC 601(j); 21 USC 454(f)
Legal Deadline: None

Regulatory Plan:

Statement of Need: Over the years, FSIS has made decisions about the jurisdiction under which food products containing meat or poultry ingredients are produced based on the amount of meat or poultry in the product; whether the product is represented as a meat or poultry product (that is, whether a term that refers to meat or poultry is used on labeling); whether the product is perceived by consumers as a product of the meat or poultry industries; and whether the product contains poultry or meat from an accepted source. With regard to the consumer perception factor, FSIS made decisions on a case-by-case basis, mostly in response to situations involving determinations for compliance and enforcement. Although this case-by-case approach resulted in decisions that made sense at the time that they were made, a review in 2004 to 2005 by a working group of FSIS and FDA representatives showed that some of the decisions do not appear to be fully consistent with other product decisions and that the reasoning behind various determinations was not fully articulated or supported.

Legal Basis: Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 to 470), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1032), and the regulations that implement these Acts, FSIS has authority over all meat food and poultry products and processed egg products. Under the Federal Food, Drug, and Cosmetic Act (FFDCA) and the regulations that implement it, FDA has authority over all foods not under FSIS' jurisdiction, including dairy, bread and other grain products, vegetables and other produce, and other products, such as seafood. According to the provisions of the FMIA and PPIA, the Secretary has the authority to exempt certain human food products from the definition of a meat food product (21 U.S.C. 601(j)) or a poultry product (20 U.S.C. 454(f)) based on either of two factors: (1) The product contains only a relatively small proportion of livestock ingredients or poultry ingredients, or (2) the product historically has not been considered by consumers as a product of the meat food or poultry industry, and under such conditions as he or she may prescribe to ensure that the livestock or poultry ingredients are not adulterated and that the products are not represented as meat food or poultry products.

Alternatives: FSIS has considered over the years a number of variations to clarify the confusion regarding jurisdiction for these various products. Alternative 1: Maintain the status quo. Although FSIS has considered taking no action at this time, the Agency does not recommend this option because of the continued confusion that exists among industry and consumers as to jurisdictional coverage for nine categories of products. Alternative 2: Reassess the statutory factors for making jurisdiction decision and recommend an amendment. The amendment of the statute would be from the historical perception factor because that is the factor, of the two statutory factors, that the working group identified as leading to the state of confusion about the jurisdiction of certain products containing meat or poultry. Alternative 3: Adopt some of the FDA/FSIS working group's suggested approach to making clear and transparent jurisdiction decisions by proposing changes to regulations to codify the current policies on exempted products.

Costs and Benefits: FSIS estimates that the initial and recurring costs of the rule to industry would be approximately \$5 million and \$7 million, respectively. These costs would be attributable to new Sanitation SOP and HACCP plan development, as well as to labeling changes and training. FSIS would incur \$7 million in annual recurring costs (salaries and benefits). Establishments coming under FSIS jurisdiction also would incur costs for recordkeeping, monitoring, testing, and annual HACCP plan reassessment. Benefits to industry would accrue from reduced confusion over Agency jurisdiction, which may affect labeling and recordkeeping costs. There may be spill-over benefits accruing from changes in consumer behavior. Also, there would be improvement in efficiency in use of FDA and FSIS resources.

Risks: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis
Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

RIN: 0583-AD31

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Title: Elimination of Requirements for Total Quality Control Systems

Abstract: FSIS is proposing to amend the meat and poultry inspection regulations by removing all requirements relating to FSIS-approved voluntary total quality control (TQC) systems for official meat and poultry processing establishments. The proposal would remove the regulations that prescribe the features that TQC systems must have and the requirements for FSIS to approve the systems before they can be implemented.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 218.4; 9 CFR 381.145 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: 21 USC 601 to 605; 21 USC 451 to 471; 7 USC 2219a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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

RIN: 0583-AD32

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Title: New Poultry Slaughter Inspection

Abstract: FSIS is proposing a new inspection system for young poultry slaughter establishments that would facilitate public health-based inspection. This new system would be available initially only to young chicken slaughter establishments.

Establishments that slaughter broilers, fryers, roasters, and Cornish game hens (as defined in 9 CFR 381.170) would be considered as "young chicken establishments." FSIS is also proposing to revoke the provisions that allow young chicken slaughter establishments to operate under the current Streamlined Inspection System (SIS) or the New Line Speed (NELS) Inspection System. The proposed rule would establish new performance standards to reduce pathogens. FSIS anticipates that this proposed rule would provide the framework for action to provide public health-based inspection in all establishments that slaughter amenable poultry species. Under the proposed new system, young chicken slaughter establishments would be required to sort chicken carcasses and to conduct other activities to ensure that carcasses are not adulterated before they enter the chilling tank.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 9 CFR 381.66; 9 CFR 381.67; 9 CFR 381.76; 9 CFR 381.83; 9 CFR 381.91; 9 CFR 381.94 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 USC 451 et seq

Legal Deadline: None

Regulatory Plan:

Statement of Need: Because of the risk to the public health associated with pathogens on young chicken carcasses, FSIS is proposing a new inspection system that would allow for more effective inspection of young chicken carcasses, would allow the Agency to more effectively allocate its resources, would encourage industry to more readily use new technology, and would include new performance standards to reduce pathogens. This proposed rule is an example of regulatory reform because it would facilitate technological innovation in young chicken slaughter establishments. It would likely result in more cost-effective dressing of young chickens that are ready to cook or ready for further processing. Similarly, it would likely result in more efficient and effective use of Agency resources.

Legal Basis: The Secretary of Agriculture is charged by the Poultry Products Inspection Act (PPIA--21 U.S.C. 451 et seq.) with carrying out a mandatory poultry products inspection program. The Act requires post-mortem inspection of all carcasses of slaughtered poultry subject to the Act and such reinspection as deemed necessary (21 U.S.C. 455(b)). The Secretary is authorized to promulgate such rules and regulations as are necessary to carry out the provisions of the Act (21 U.S.C. 463(b)). The Agency has tentatively determined that this rule would facilitate FSIS post-mortem inspection of young chicken carcasses. The proposed new system would likely result in more efficient and effective use of Agency resources and in industry innovations.

Alternatives: FSIS considered the following options in developing this proposal: 1) No action. 2) Propose to implement HACCP-Based Inspection Models Pilot in regulations. 3) Propose to establish a mandatory, rather than a voluntary, new inspection system for young chicken slaughter establishments. 4) Propose standards of identity regulations for young chickens that include trim and processing defect criteria and that take into account the intended use of the product. 5) Propose a voluntary new inspection system for young chicken slaughter establishments and propose standards of identity for whole

chickens, regardless of the products' intended use.

Costs and Benefits: The proposed performance standards and the implementation of public health-based inspection would likely improve the public health. FSIS is conducting a risk assessment for this proposed rule to assess the likely public health benefits that the implementation of this rule may achieve. Establishments that volunteer for this proposed new inspection system alternative would likely need to make capital investments in facilities and equipment. They may also need to add labor (trained employees). However, one of the beneficial effects of these investments would likely be the lowering of the average cost per pound to dress poultry properly. Cost savings would likely result because of increased line speeds, increased productivity, and increased flexibility to industry. The expected lower average unit cost for dressing poultry would likely give a marketing advantage to establishments under the new system. Consumers would likely benefit from lower retail prices for high quality poultry products. The rule would also likely provide opportunities for the industry to innovate because of the increased flexibility it would allow poultry slaughter establishments. In addition, in the public sector, benefits would accrue to FSIS from the more effective deployment of FSIS inspection program personnel to verify process control based on risk factors at each establishment.

Risks: Salmonella and other pathogens are present on a substantial portion of poultry carcasses inspected by FSIS. Foodborne salmonella cause a large number of human illnesses that at times lead to hospitalization and even death. There is an apparent relationship between human illness and prevalence levels for salmonella in young chicken carcasses. FSIS believes that through better allocation of inspection resources and the use of performance standards, it would be able to reduce the prevalence of salmonella and other pathogens in young chickens.

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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

RIN: 0583-AD33

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Title: Permission To Use Air Inflation of Meat Carcasses and Parts

Abstract: FSIS is proposing to amend 9 CFR 310.13(a) to permit the use of air inflation procedures on meat carcasses and parts without receiving prior approval from the Agency; i.e., without FSIS having to amend its regulations to permit a new air inflation procedure.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 USC 601 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined
 Small Entities Affected: Organizations Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Food Safety and Inspection Service (FSIS)

RIN: 0583-AD34

 [View Related Documents](#)

Title: Notification, Documentation and Recordkeeping Requirements for Inspected Establishments

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to require establishments subject to inspection under the Federal Meat Inspection Act and the Poultry Products Inspection Act to promptly notify the Secretary of Agriculture that an adulterated or misbranded product received by or originating from the establishment has entered into commerce, if the establishment believes or has reason to believe that this has happened. FSIS is also proposing to require these establishments to: (1) prepare and maintain current procedures for the recall of all products produced and shipped by the establishment; (2) document each reassessment of the process control plans of the establishment; and (3) upon request, make the procedures and reassessed control plans available to inspectors appointed by the Secretary for review and copying.

Priority: Other Significant Agenda Stage of Rulemaking: Proposed Rule
 Major: Undetermined Unfunded Mandates: No
 CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 21 U.S.C. 612 and 613; 21 U.S.C. 459
 Legal Deadline: None

Regulatory Plan:

Statement of Need: The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, Sec. 11017), known as the 2008 Farm Bill, amended the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) to require establishments subject to inspection under these Acts to promptly notify the Secretary that an adulterated or misbranded product received by or originating from the establishment has entered into commerce, if the establishment believes or has reason to believe that this has happened. Section 11017 also requires establishments subject to inspection under the FMIA and PPIA to: (1) prepare and maintain current procedures for the recall of all products produced and shipped by the establishment; and (2) document each reassessment of the process control plans of the establishment.

Legal Basis: 21 U.S.C. 612 and 613; 21 U.S.C. 459, and Public Law 110-246, Sec. 11017.

Alternatives: The option of no rulemaking is unavailable. The Agency will consider alternative methods of implementation, and the effects on foreign and domestic commerce and on small business associated with the alternatives.

Costs and Benefits: FSIS will conduct an analysis to determine the costs and benefits associated with this rulemaking. FSIS has made an initial determination that this rule will not have a significant economic impact on a substantial number of small entities.

Risks: In preparing regulations on the shipment of adulterated meat and poultry products by meat and poultry establishments, the preparation and maintenance of procedures for recalled products produced and shipped by establishments, and the documentation of each reassessment of the process control plans by the establishment, the Agency will consider any risks to public health or other pertinent risks associated with these actions.

Timetable:

Action	Date	FR Cite
Proposed Rule	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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

RIN: 0583-AD36

 [View Related Documents](#)

Title: Mandatory Inspection of Catfish and Catfish Products

Abstract: The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, Sec. 11016), known as the 2008 Farm Bill, amended the Federal Meat Inspection Act (FMIA) to make catfish an amenable species under the FMIA. The regulations will define "catfish" and the scope of coverage of the regulations to apply to establishments that process farm-raised species of catfish and to catfish and catfish products. The regulations will take into account the conditions under which the catfish are raised and transported to a processing establishment.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR Chapter III, Subchapter F (new) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 U.S.C. 601 et seq. Pub L. 110-249, Sec. 11016

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Final regulations NLT 18 months after enactment of Pub. L. 110-246	12/00/2009

Regulatory Plan:

Statement of Need: The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, Sec. 11016), known as the 2008 Farm Bill, amended the Federal Meat Inspection Act (FMIA) to make catfish an amenable species under the FMIA. The Farm Bill directs the Department to issue final regulations implementing the FMIA amendments not later than 18 months after the enactment date (June 18, 2008) of the legislation.

Legal Basis: 21 U.S.C. 601-695 and Public Law 110-246, Sec. 11016

Alternatives: The option of no rulemaking is unavailable. The Agency will consider alternative methods of implementation and levels of stringency, and the effects on foreign and domestic commerce and on small business associated with the alternatives.

Costs and Benefits: FSIS anticipates benefits from uniform standards and the more extensive and intensive inspection service that FSIS provides (compared with current voluntary inspection programs). FSIS would apply requirements for imported catfish that would be equivalent to those applying to catfish raised and processed in the United States.

Risks: In preparing regulations on catfish and catfish products, the Agency will consider any risks to public health or other pertinent risks associated with the production, processing, and distribution of the products. FSIS will determine, through scientific risk assessment procedures, the magnitude of the risks associated with catfish and how they compare with those associated with other foods in FSIS's jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	
Final Action	12/00/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal; State

Small Entities Affected: Business

Federalism: No

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

RIN: 0583-AD37

 [View Related Documents](#)

Title: Federal-State Interstate Shipment Cooperative Inspection Program

Abstract: FSIS is proposing regulations to implement a new voluntary Federal-State cooperative inspection program under which State-inspected establishments with 25 or fewer employees would be eligible to ship meat and poultry products in interstate commerce. State-inspected establishments selected to participate in this program would be required to comply with all Federal standards under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). These establishments would receive inspection services from State inspection personnel that have been trained and certified to assist with enforcement of the FMIA and PPIA. Meat and poultry products produced under the program that have been inspected and passed by selected State-inspection personnel would bear a Federal mark of inspection. FSIS is proposing these regulations in response to the Food, Conservation, and Energy Act, enacted on June 18, 2008 (the 2008 Farm Bill). Section 11015 of 2008 Farm Bill provides for the interstate shipment of State-inspected meat and poultry product from selected establishments and requires that FSIS promulgate implementing regulations no later than 18 months from the date of its enactment

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-246 (section 11015)

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		12/18/2009

Regulatory Plan:

Statement of Need: This action is needed to implement a new Federal-State cooperative program that will permit certain State-inspected establishments to ship meat and poultry products in interstate commerce. Inspection services for establishments selected to participate in the program will be provided by state inspection personnel that have been trained and certified in the administration and enforcement of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, et seq.) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, et seq.) Meat and poultry products produced by establishments selected to participate in the program will bear a Federal mark of inspection.

Legal Basis: This action is authorized under section 11015 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) (PL-110-246). Section 11015 amends the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, et seq.) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, et seq.) to establish an optional Federal-State cooperative program under which State-inspected establishments would be permitted to ship meat and poultry products in interstate commerce. The law requires that FSIS promulgate implementing regulations no later than 18 months after the date of enactment.

Alternatives: 1. No action: FSIS did not consider the alternative of no action because section 11015 of the 2008 Farm Bill requires that it promulgate regulations to implement the new Federal-State cooperative program. The Agency did consider alternatives on how to implement the new program. 2. Limit participation in the program to state-inspected establishments with 25 or fewer employees on average: Under the law, state-inspected establishments that have 25 or fewer employees on average are permitted to participate in the program. The law also provides that FSIS may select establishments that employ more than

25 but fewer than 35 employees on average as of June 18, 2008 (the date of enactment) to participate in the program. Under the law, if these establishments employ more than 25 employees on average 3 years after FSIS promulgates implementing regulations, they are required to transition to a Federal establishment. FSIS rejected the option of limiting the program to establishment that employ 25 or fewer employees on average to give additional small establishments the opportunity to participate in the program and ship their meat of poultry products in interstate commerce. 3. Permit establishments with 25 to 35 employees on average as of June 18, 2008, to participate in the program. FSIS chose the option of permitting these establishments to be selected to participate in the program to give additional small establishments the opportunity to ship their meat and poultry products in interstate commerce. Under this option, FSIS will develop a procedure to transition any establishment that employs more than 25 people on average to a Federal establishment. Establishments that employee 24 to 35 employees on average as of June 18, 2008, would be subject to the transition procedure beginning on the date three years after the Agency promulgates implementing regulations.

Costs and Benefits: FSIS is analyzing the costs of this proposed rule to industry, FSIS, State and local governments, small entities, and foreign countries. Participation in the new Federal-State cooperative program will be optional. Thus, the costs and benefits associated with the proposed rule will depend on the number of States and establishments that chose to participate. Very small and certain small establishments State-inspected establishments that are selected to participate in the program are likely to benefit from the program because they will be permitted sell their products to consumers in other States and foreign countries.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	
Final Action	01/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State

Federalism: Undetermined

Energy Affected: Undetermined

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

RIN: 0583-AC46

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Title: Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-To-Eat Meat and Poultry Products

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.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Although FSIS routinely samples and tests some ready-to-eat products for the presence of pathogens prior to distribution, there are no specific regulatory pathogen reduction requirements for most of these products. The proposed performance standards are necessary to help ensure the safety of these products; give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls; and provide objective, measurable standards that can be verified by Agency oversight.

Legal Basis: Under the Federal Meat Inspection Act (21 U.S.C. 601 to 695) and the Poultry Product Inspection Act (21 U.S.C. 451 to 470), FSIS issues regulations governing the production of meat and poultry products prepared for distribution in commerce. The regulations, along with FSIS inspection programs, are designed to ensure that meat and poultry products are safe, not adulterated, and properly marked, labeled, and packaged.

Alternatives: As an alternative to all of the proposed requirements, FSIS considered taking no action. As alternatives to the proposed performance standard requirements, FSIS considered end-product testing and requiring "use-by" date labeling on ready-to-eat products.

Costs and Benefits: Benefits are expected to result from fewer contaminated products entering commercial food distribution channels as a result of improved sanitation and process controls and in-plant verification. FSIS believes that the benefits of the rule would exceed the total costs of implementing its provisions. FSIS currently estimates net benefits from the 2003 interim final rule at \$470 to \$575 million, with annual recurring costs at \$150.4 million, if FSIS discounts the capital cost at 7%. FSIS is continuing to analyze the potential impact of the other provisions of the proposal. The other main provisions of the proposed rule are: Lethality performance standards for Salmonella and E. coli O157:H7 and stabilization performance standards for C. perfringens that firms must meet when producing RTE meat and poultry products. Most of the costs of these requirements would be associated with one-time process performance validation in the first year of implementation of the rule and with revision of HACCP plans. Benefits are expected to result from the entry into commercial food distribution channels of product with lower levels of contamination resulting from improved in-plant process verification and sanitation. Consequently, there will be fewer cases of foodborne illness.

Risks: Before FSIS published the proposed rule, FDA and FSIS had estimated that each year L. monocytogenes caused 2,540 cases of foodborne illness, including 500 fatalities. The Agencies estimated that about 65.3 percent of these cases, or 1660 cases and 322 deaths per year, were attributable to RTE meat and poultry products. The analysis of the interim final rule on control of L. monocytogenes conservatively estimated that implementation of the rule would lead to an annual reduction of 27.3 deaths and 136.7 illnesses at the median. FSIS is continuing to analyze data on production volume and Listeria controls in the RTE meat and poultry products industry and is using the FSIS risk assessment model for L. monocytogenes to determine the likely risk reduction effects of the rule. Preliminary results indicate that the risk reductions being achieved are substantially greater than those estimated in the analysis of the interim rule. FSIS is also analyzing the potential risk reductions that might be achieved by implementing the lethality and stabilization performance standards for products that would be subject to the proposed rule. The risk reductions to be achieved by the proposed rule and that are being achieved by the interim rule are intended to contribute to the Agency's public health protection effort.

Timetable:

Action	Date	FR Cite
NPRM	02/27/2001	66 FR 12590
NPRM Comment Period End	05/29/2001	
NPRM Comment Period Extended	07/03/2001	66 FR 35112
NPRM Comment Period End	09/10/2001	
Interim Final Rule	06/06/2003	68 FR 34208
Interim Final Rule Effective	10/06/2003	
Interim Final Rule Comment Period End	01/31/2005	
NPRM Comment Period Reopened	03/24/2005	70 FR 15017
NPRM Comment Period End	05/09/2005	
Affirmation of Interim Final Rule	09/00/2009	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Undetermined
Federalism: No

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

RIN: 0583-AC60

 [View Related Documents](#)

Title: Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products

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.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 9 CFR 317; 9 CFR 381 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/18/2001	66 FR 4970
NPRM Comment Period End	04/18/2001	
Extension of Comment Period	04/20/2001	66 FR 20213
NPRM Comment Period End	07/17/2001	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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

RIN: 0583-AC72

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Title: Food Standards; General Principles and Food Standards Modernization

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 410; 21 CFR 130 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/20/2005	70 FR 29214
NPRM Comment Period End	08/18/2005	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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

RIN: 0583-AC81

 [View Related Documents](#)

Title: Petitions for Rulemaking

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 392 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 553

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/12/2006	71 FR 1988
NPRM Comment Period End	03/13/2006	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
 Food Safety and Inspection Service (FSIS)

RIN: 0583-AD00

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Title: Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 601 to 695

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/2004	69 FR 1874
Interim Final Rule Comment Period End	05/07/2004	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Related RINs: Duplicate of 0583-AC51

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

RIN: 0583-AD17

 [View Related Documents](#)

Title: Definitions and Procedures for Determining the Net Weight Compliance of Meat and Poultry Products

Abstract: The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations in order that they reference the most recent 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. The final rule is consistent with the proposed rule. However, the final rule does not incorporate the "wet tare" method for determining net weight, because the Agency regards any solutions added to meat and poultry as part of the product, and therefore, uses the "dry tare" method for determining compliance.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 317; 9 CFR 381; 9 CFR 442 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/28/2006	71 FR 15340
NPRM Comment Period End	05/30/2006	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 0583-AD17

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

RIN: 0583-AD35

 [View Related Documents](#)

Title: Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection

Abstract: FSIS is proposing to remove the provision in 309.3(e) that allows FSIS inspection personnel to determine the disposition of cattle that become non-ambulatory disabled after they have passed ante-mortem inspection on a case-by-case basis. If FSIS finalizes this proposed rule, cattle that become non-ambulatory disabled from an acute injury after ante-mortem inspection will no longer be eligible to proceed to slaughter as "U.S. Suspects." Instead, FSIS inspectors will tag these cattle as "U.S. condemned" and prohibit these animals from proceeding to slaughter.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 309.3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 U.S.C. 621; 21 U.S.C. 603(a); 21 U.S.C. 603(b)

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule is necessary to better ensure effective implementation of ante-mortem inspection pursuant to 21 USC 603(a) and of humane handling requirements pursuant to 21 USC 603(b). This rule is also necessary to make clear that establishments have an affirmative obligation to make FSIS personnel aware when an animal goes down. This regulatory requirement will preclude establishments from attempting to force such animals to rise.

Legal Basis: FSIS is proposing this rule under 21 U.S.C 621, which gives FSIS the authority to adopt regulations for the efficient administration of the FMA. The amendment in this proposal would better ensure effective implementation of ante-mortem inspection pursuant to 21 U.S.C. 603(a) and of humane handling requirements established pursuant to 21 U.S.C 603(b).

Alternatives: This proposed rule is likely to have only minimum economic effects on the beef industry and consumers. Based on the Agency's 2007 survey data, out of the approximately 33.7 million cattle slaughtered in 2007, FSIS estimates that about 1,300 cattle – about 600 cull cattle (i.e., mostly cows and bulls) and 700 steers and heifers – were in this category. Data from the Agricultural Marketing Service (AMS) indicate that the market value for a cull cattle carcass and parts is between \$500 and \$1,000, and the market value for a steer or heifer carcass and parts is between \$900 and \$1,100. Therefore, the estimated total market value of the carcasses and parts from cattle that would be condemned under this proposed rule would be in the range of \$930,000 to \$1,370,000 per year. If adopted as a final rule, the proposed amendment would benefit both consumers and the beef industry by enhancing public confidence in the U.S. beef supply. This proposed rule would enhance public confidence by eliminating any controversy surrounding the condemnation of cattle that become non-ambulatory disabled after ante-mortem inspection and by preventing the slaughter of cattle that may be unfit for human food. It would also reduce the potential for inhumane handling of non-ambulatory disabled cattle at slaughter operations. This proposed rule would also assist the United States in international trade relations and negotiations by providing greater confidence to those countries that continue to raise questions about American beef. The proposed amendment would increase consumer confidence and U.S. access to overseas markets. Thus, the proposed rule will generally benefit the industry because it would likely lead to higher sales and revenue.

Costs and Benefits: Not applicable.

Risks: Not Applicable.

Timetable:

Action	Date	FR Cite
NPRM	08/29/2008	73 FR 50889
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Agency Contact: Dr. Daniel L. Engeljohn

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Title: Mandatory Country Of Origin Labeling Of Covered Commodities Including Muscle Cuts Of Beef (Including Veal), Lamb, Chicken, Goat, and Pork; Ground Beef, Gr. Lamb, Gr. Chicken, Gr. Goat, and Gr. Pork

Abstract: FSIS is amending its regulations through an interim final rule to make clear that country of origin labeling of covered commodities that complies with the Food, Conservation and Energy Act of 2008 and the Agricultural Marketing Service (AMS) interim regulations will be generically approved under 9 CFR 317.5 and 9 CFR 381.133

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 317; 9 CFR 381 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Public Law 110-234 (2008 Farm Bill)

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Statutory implementation deadline per the 2008 Bill	09/30/2008

Regulatory Plan:

Statement of Need: Mandatory Country of Origin Labeling of Covered Commodities including Muscle Cuts of Beef (including Veal), Lamb, Chicken, Goat, and Pork; Ground Beef, Ground Lamb, Ground Chicken, Ground Goat, and Ground Pork – Interim final rule. (This rule makes minor changes to FSIS regulations based on mandatory country of origin labeling requirements.)

Legal Basis: FSIS is amending its regulations based on mandatory country of origin labeling for meat and poultry covered commodities based on the Food, Conservation and Energy Act of 2008. Meat covered commodities include muscle cuts of beef (including veal), lamb, chicken, goat, and pork; ground beef, ground lamb, ground chicken, ground goat, and ground pork. This rule will provide consumers with additional information on which to base their purchasing decisions.

Alternatives: Not applicable.

Costs and Benefits: None. All costs for this interim final rule are covered under the USDA/AMS COOL rule published on August 1, 2008 (73 FR 45106).

Risks: There are no risks associated with this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/28/2008	73 FR 50701
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0583-AD09

 [View Related Documents](#)

Title: Accredited Laboratory Program

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.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 9 CFR 318, 381, and 439 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	01/17/2006	71 FR 2483
NPRM Comment Period End	03/20/2006	
Final Action	09/09/2008	73 FR 52193

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business
 Energy Affected: No
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Government Levels Affected: No
 Federalism: No

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

RIN: 0583-AD10

 [View Related Documents](#)

Title: Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls

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.

Priority: Other Significant
 Major: No
 CFR Citation: 9 CFR 390 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 5 USC 301, 552
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	03/07/2006	71 FR 11326
NPRM Comment Period End	06/11/2006	71 FR 27211
Final Action	07/17/2008	73 FR 40939

Regulatory Flexibility Analysis Required: Business
 Federalism: No

Government Levels Affected: No

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

RIN: 0583-AD18

 [View Related Documents](#)

Title: Allowing Bar-Type Cut Turkey Operations To Use J-Type Cut Maximum Line Speeds

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 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 9 CFR 381.68 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 451 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/09/2005	70 FR 53582
NPRM Comment Period End	12/08/2005	
Final Rule	09/08/2008	73 FR 51899

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 0584-AD25

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Title: Food Stamp Program: Clarifications and Corrections to Recipient Claim Establishment and Collection Standards

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)

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 272; 7 CFR 273 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2011 to 2036

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2009	
NPRM Comment Period End	08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Food and Nutrition Service (FNS)

RIN: 0584-AD78

 [View Related Documents](#)

Title: FSP: Administrative Sanctions Imposed Against Violating Electronic Benefits Transfer (EBT) Stores

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, 162,000 retail food stores are authorized to accept food stamp benefits. One of the benefits of EBT is that it helps curb food stamp fraud committed by retail food stores. EBT creates an electronic record of each food stamp transaction, making it easier to identify and document instances where food stamp benefits are being illegally obtained (i.e., food stamp benefits being exchanged for cash or non-food items) by retail food stores. Proposed Regulation FNS is continuing to improve using EBT data efficiently to detect and pursue abuse. Section 278.6 of the Food Stamp regulations, however, does not thoroughly address the actions/sanctions that FNS may impose against retail food stores that are found violating the program via the EBT system. Since the inception of EBT, FNS has discovered that food stores have departed from some of the conventional methods of committing food stamp fraud and have devised new and innovative ways to commit fraud using the EBT system. Hence, section 278.6 of the Food Stamp Program regulations must be revised in order to address the administrative sanctions that may be imposed by FNS against EBT stores found violating the program. In addition to providing for EBT specific sanctions, FNS will conduct a comprehensive review of existing regulatory sanctions for conventional fraud and will make regulatory changes that are warranted and appropriate. (05-007)

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 278.6(e) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 12 of the Food Stamp Act

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	
Final Action	03/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD81

 [View Related Documents](#)

Title: Revisions and Clarifications in Requirements for the Distribution and Control of Donated Foods

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 ensure that donated foods can be tracked in the event of a food recall.
- Retain FNS' authority to require the distributing agency to re-evaluate 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)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 250; 7 CFR 251.4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2009	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
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Government Levels Affected: Local; State; Tribal
 Federalism: Undetermined

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

RIN: 0584-AD84

 [View Related Documents](#)

Title: Simplified Cost Accounting and Other Actions To Reduce Paperwork in the Summer Food Service Program

Abstract: Section 738 of the Consolidated Appropriations Act, 2008, (Public Law 110-161), extends simplified cost accounting procedures to Summer Food Service Program (SFSP) sponsors in all States. Beginning on January 1, 2008, sponsors receive the maximum rates of reimbursement for the eligible meals they serve. The Food and Nutrition Service (FNS) proposes to amend 7 CFR Part 225 to eliminate the program assistance requirements that no longer apply and to implement a number of other actions that would further streamline SFSP administration. This rulemaking proposes to: (1) Eliminate the cost comparison requirements for determining payments to Summer Food Service Program sponsors; (2) update the threshold for small purchases in SFSP to align with the threshold set forth in 7 CFR parts 3016 and 3019; (3) allow State agencies to conduct compliance reviews of schools participating in both the NSLP and SFSP at the same frequency; and (4) clarify that sponsors must have administrative oversight at approved meal service sites. These proposed actions would reduce paperwork and improve efficiency while ensuring high quality administrative oversight and meal service. FNS expects comments from the public, especially recommendations from State agencies and sponsors that already have operational experience participating under simplified cost accounting procedures. However, since these proposed procedures constitute a significant reduction in administrative workload and paperwork burden, FNS does not anticipate that the comments will be negative in nature. The estimated costs of additional meals through implementation of this rule range from \$5.8 million in fiscal year 2009 to \$6.9 million in 2012. (08-004)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 7 CFR 225 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-161

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	
NPRM Comment Period End	11/00/2009	
Interim Final Rule	09/00/2010	
Final Action	09/00/2011	

Regulatory Flexibility Analysis Required: No
 Federalism: Undetermined

Government Levels Affected: Undetermined

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NPRM	12/08/2006	71 FR 71075
NPRM Comment Period End	02/06/2007	
Final Action	10/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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

RIN: 0584-AC24

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Title: Child and Adult Care Food Program: Improving Management and Program Integrity

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 226 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: In recent years, State and Federal program reviews have found numerous cases of mismanagement, abuse, and in some instances, fraud, by child care institutions and facilities in the CACFP. These reviews revealed weaknesses in management controls over program operations and examples of regulatory noncompliance by institutions, including failure to pay facilities or failure to pay them in a timely manner; improper use of program funds for non-program expenditures; and improper meal reimbursements due to incorrect meal counts or to miscategorized or incomplete income eligibility statements. In addition, audits and investigations conducted by the Office of Inspector General (OIG) have raised serious concerns regarding the adequacy of financial and administrative controls in CACFP. Based on its findings, OIG recommended changes to CACFP review requirements and management controls.

Legal Basis: Some of the changes proposed in the rule are discretionary changes being made in response to deficiencies found in program reviews and OIG audits. Other changes codify statutory changes made 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).

Alternatives: In developing the proposal, the Agency considered various alternatives to minimize burden on State agencies and institutions while ensuring effective program operation. Key areas in which alternatives were considered include State agency reviews of institutions and sponsoring organization oversight of day care homes.

Costs and Benefits: This rule contains changes designed to improve management and financial integrity in the CACFP.

When implemented, these changes would affect all entities in CACFP, from USDA to participating children and children's households. These changes will primarily affect the procedures used by State agencies in reviewing applications submitted by, and monitoring the performance of, institutions which are participating or wish to participate in the CACFP. Those changes which would affect institutions and facilities will not, in the aggregate, have a significant economic impact. Data on CACFP integrity is limited, despite numerous OIG reports on individual institutions and facilities that have been deficient in CACFP management. While program reviews and OIG reports clearly illustrate that there are weaknesses in parts of the program regulations and that there have been weaknesses in oversight, neither program reviews, OIG reports, nor any other data sources illustrate the prevalence and magnitude of CACFP fraud and abuse. This lack of information precludes USDA from estimating the amount of money lost due to fraud and abuse or the reduction in fraud and abuse the changes in this rule will realize.

Risks: Operating under interim rules puts State agencies and institutions at risk of implementing Program provisions subject to change in a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/12/2000	65 FR 55103
NPRM Comment Period End	12/11/2000	
Interim Final Rule	06/27/2002	67 FR 43448
Interim Final Rule Effective	07/29/2002	
Interim Final Rule Comment Period End	12/24/2002	
Interim Final Rule	09/01/2004	69 FR 53502
Interim Final Rule Effective	10/01/2004	
Interim Final Rule Comment Period End	09/01/2005	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Related RINs: Merge with 0584-AC94

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Government Levels Affected: Local; State

Federalism: Yes

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

RIN: 0584-AC37

 [View Related Documents](#)

Title: Food Stamp Program Regulatory Review: FSP Standards for Approval and Operation of Food Stamp Electronic Benefit Transfer Systems

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)

Priority: Other Significant

Major: No

CFR Citation: 7 CFR 274.12 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 2011 to 2034

Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	07/12/2001	66 FR 36495
NPRM Comment Period End	09/10/2001	
Interim Final Rule	04/11/2005	70 FR 18263
Final Rule	04/11/2005	70 FR 18263
Final Rule Effective	05/11/2005	
Interim Final Rule Effective	05/11/2005	
Interim Final Rule Comment Period End	06/10/2005	
Final Action	04/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Food and Nutrition Service (FNS)

RIN: 0584-AC72

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Title: National School Lunch Program: Reimbursement for Snacks in Afterschool Care Programs

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 235; 7 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 105-336

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/11/2000	65 FR 60502
NPRM Comment Period End	01/09/2001	
Final Action	04/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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

RIN: 0584-AD12

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Title: Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, Extended Certification Periods, and Transitional Benefits

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; and 3) allowing households in which all members are elderly or disabled to be certified for up to 24 months. The above provisions are modeled after Food Stamp Program provisions. (01-005)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 253; 7 CFR 254 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 7 USC 2011 to 2032

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/03/2008	73 FR 38155
NPRM Comment Period End	09/02/2008	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD15

 [View Related Documents](#)

Title: Child and Adult Care Food Program (CACFP): At-Risk Afterschool Meals

Abstract: This proposed rule would revise the Child and Adult Care Food Program (CACFP) regulations to allow reimbursement of meals provided by at-risk afterschool care programs in eight 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 meals in these States (Delaware, Illinois, Pennsylvania, Michigan, Missouri, New York, Oregon, and West Virginia) 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 eight States may receive free meals. 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)

The FSP serves a vital role in helping these families and individuals achieve and maintain self-sufficiency and purchase a nutritious diet. This rule implements the certification and eligibility provisions of Public Law 107-171, the Farm Security and Rural Investment Act of 2002. It simplifies State administration of the Food Stamp Program, increases eligibility for the program among certain groups, increases access to the program among low-income families and individuals, and increases benefit levels. The provisions of this rule increase benefits by approximately \$1.95 billion over 5 years. When fully effective in FY 2006, the provisions of this rule will add approximately 415,000 new participants.

Timetable:

Action	Date	FR Cite
NPRM	04/16/2004	69 FR 20724
NPRM Comment Period End	06/15/2004	
Final Action	01/00/2009	
Final Action Effective	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: No

Federalism: No

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

RIN: 0584-AD31

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Title: Quality Control Provisions

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 Pub. L. 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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 273; 7 CFR 275 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2011 to 2032; PL 107-171

Legal Deadline: None

Regulatory Plan:

Statement of Need: The rule is needed to implement the food stamp quality control provisions of Public Law 107-171, the

Farm Security and Rural Investment Act of 2002.

Legal Basis: The legal basis for this rule is Public Law 107-171, the Farm Security and Rural Investment Act of 2002.

Alternatives: This rule deals with changes required by Public Law 107-171, the Farm Security and Rural Investment Act of 2002. The Department has no discretion in implementing the time frames for completing quality control reviews, the arbitration process, and determining the final error rates; the threshold for potential sanctions and the time period for the sanctions; the calculation for State error rates; the formula for determining liability amounts; the sanction notification; method of payment for liabilities; corrective action planning, and the elimination of enhanced funding. These provisions were effective for the fiscal year 2003 quality control review period and must have been implemented by FNS and State agencies during fiscal year 2003. This rule also deals in part with discretionary changes to the quality control system resulting from Public Law 107-171. The provision addressing results of appeals is required to be regulated by Public Law 107-171. The remaining changes amend existing regulations and are required to make technical changes resulting from these changes or to update policy consistent with current requirements.

Costs and Benefits: The provisions of this rule are not anticipated to have any impact on benefit levels or administrative costs.

Risks: The FSP provides nutrition assistance to millions of Americans nationwide. The quality control system measures the accuracy of States providing food stamp benefits to the program recipients. This rule is intended to implement the quality control provisions of Public Law 107-701, the Farm Security and Rural Investment Act of 2002. It will significantly revise the system for determining State agency liabilities and sanctions for high payment error rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/16/2003	68 FR 59519
Interim Final Rule Effective	12/15/2003	
Interim Final Rule Comment Period End	01/14/2004	
NPRM	02/23/2005	70 FR 55776
NPRM Comment Period End	12/22/2005	
Final Action	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Federalism: No

Related RINs: Merge with 0584-AD37

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

RIN: 0584-AD44

 [View Related Documents](#)

Title: FSP: Revisions to Bonding Requirements for Violating Retail and Wholesale Food Concerns

Abstract: The final 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 final 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 5 years 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 final 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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 278.1(b)(4); 7 CFR 278.2(f) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2021

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/13/2007	72 FR 11291
NPRM Comment Period End	05/14/2007	
Final Action	12/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: Undetermined

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Food and Nutrition Service (FNS)

RIN: 0584-AD47

 [View Related Documents](#)

Title: 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

Abstract: This final rule amends 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 (Pub. L. 108-265), concerning retail vendors authorized by WIC State agencies to provide supplemental foods to WIC participants in exchange for WIC food instruments. First, this rulemaking requires 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 such notification would compromise an investigation. Second, State agencies are required to maintain a list of State-licensed wholesalers, distributors, and retailers, as well as infant formula manufacturers registered with the Food and Drug Administration; WIC-authorized retail vendors are required to purchase infant formula only from sources on the list. Third, State agencies are prohibited from authorizing or making payments to WIC-authorized vendors that derive more than 50 percent of their annual food sales revenue ("above-50-percent vendors") and that 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, respectively, to enhance the due process for vendors, to prevent defective infant formula from being consumed by infant WIC participants, and to 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. Unrelated to Public Law 108-265, this final rule will also provide inflation adjustments for vendor civil money penalties. (04-007)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 246 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 1786

Legal Deadline: Public Law 108-265 required a final rule by the end of June 2006 to mandate that all WIC State agencies notify WIC-authorized retail vendors of an initial violation before a sanction can be imposed based on a pattern of violation occurrences.

Action	Source	Description	Date
Other	Statutory		06/30/2006

Timetable:

Action	Date	FR Cite
NPRM	08/01/2006	71 FR 43371
NPRM Comment Period End	10/02/2006	
Final Action	01/00/2009	
Final Action Effective	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

RIN Information URL: <http://www.fns.usda.gov/wic>

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

RIN: 0584-AD48

 [View Related Documents](#)

Title: FSP: Regulation Restructuring To Reflect the End of Coupon Issuance Systems

Abstract: The 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 section that will be updated and reorganized by the rule is 7 CFR part 274. (04-004)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 274.8 and 274.12 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2011 to 2034

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/2008	
Direct Final Rule Comment Period End	01/00/2009	
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD51

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Title: District-Wide Use of Provisions 2 and 3

Abstract: Currently, schools may choose to use "Provision 2" or "Provision 3" to reduce application burdens and simplify meal counting and claiming procedures. Provision 2 allows schools to establish claiming percentages and to serve all meals at no charge for a 4-year period. Provision 3 allows schools to simply receive the same level of Federal cash and commodity assistance each year, with some adjustments, for a 4-year period. Both provisions are used by schools with significant percentages of children eligible for free and reduced-price school meals. Schools serve all meals at no cost to the child but continue to be reimbursed at the rate determined in the year that the actual number of free and reduced price eligible children was determined. In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, will be revised to allow school districts to use "Provision 2" or "Provision 3" on a district-wide basis as well as on a school basis. (04-009)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/2009	
Interim Final Rule Effective	09/00/2009	
Interim Final Rule Comment Period End	10/00/2009	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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RIN: 0584-AD52

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Title: Administrative Error Reduction in the School Meals Programs

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 220 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/2009	
Interim Final Rule Effective	01/00/2010	
Interim Final Rule Comment Period End	03/00/2010	
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD54

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Title: 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

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)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235; 7 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/2007	72 FR 63785
Interim Final Rule Effective	12/13/2007	
Interim Final Rule Comment Period End	05/08/2008	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD60

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Title: 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

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265, sec 104

Legal Deadline: None

Regulatory Plan:

Statement of Need: The changes made to the Richard B. Russell National School Lunch Act concerning direct certification are intended to improve program access, reduce paperwork, and improve the accuracy of the delivery of free meal benefits. This regulation will implement the statutory changes and provide State agencies and local educational agencies with the policies and procedures to conduct mandatory and discretionary direct certification.

Legal Basis: These changes are being made in response to provisions in Public Law 108-265.

Alternatives: FNS will be working closely with State agencies to implement the changes made by this regulation and will be developing extensive guidance materials in conjunction with our cooperators.

Costs and Benefits: This regulation will reduce paperwork, target benefits more precisely, and will improve program access of eligible school children.

Risks: This regulation may require adjustments to existing computer systems to more readily share information between schools, food stamp offices, and other agencies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/2009	
Interim Final Rule Comment Period End	11/00/2009	
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 0584-AD62

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

RIN: 0584-AD61

 [View Related Documents](#)

Title: Verification of Eligibility for Free and Reduced Priced Meals in the National School Lunch and School Breakfast Programs

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: 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 that qualify 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 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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	
Interim Final Rule Effective	01/00/2009	
Interim Final Rule Comment Period End	04/00/2009	
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
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RIN: 0584-AD65

 [View Related Documents](#)

Title: School Food Safety: Hazard Analysis and Critical Control Point System

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 220 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/05/2008	73 FR 45359
NPRM Comment Period End	09/19/2008	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD70

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Title: Implementing Provisions From the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option for Schools Participating in the National School Lunch Program

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)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 220 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/2009	
Interim Final Rule Effective	09/00/2009	
Interim Final Rule Comment Period End	03/00/2010	
Final Action	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 0584-AD71

 [View Related Documents](#)

Title: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): WIC Vendor Cost Containment

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 246 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 1786

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		06/30/2006

Regulatory Plan:

Statement of Need: This action is needed to implement the vendor cost containment provisions of the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265. The rule requires WIC State agencies to operate vendor management systems that effectively contain food costs by ensuring that prices paid for supplemental foods are competitive. The rule also responds to data which indicate that WIC food expenditures increasingly include payments to a type of vendor whose prices are not governed by the market forces that affect most retail grocers. As a result, the prices charged by these vendors tend to be higher than those of other retail grocery stores participating in the program. To ensure that the program pays competitive prices, this rule codifies the new statutory requirements for State agencies to use in evaluating vendor applicants' prices during the vendor selection process and when paying vendors for supplemental foods following authorization.

Legal Basis: Section 203(e)(10) of Public Law 108-265, Child Nutrition and WIC Reauthorization Act of 2004.

Alternatives: This rule implements the vendor peer group provisions of the Child Nutrition and WIC Reauthorization Act of 2004, which FNS believes is an effective means of controlling WIC food costs. While this Act mandates that States establish peer groups, competitive price criteria, and allowable reimbursement levels, and states that these requirements must result in the outcome of paying above-50-percent vendors no more than regular vendors, the rule does not specify particular criteria for peer groups or acceptable methods of setting competitive price criteria and allowable reimbursement levels. FNS considered mandating specific means of developing peer groups, competitive price criteria, and allowable reimbursement levels in order to ensure that the outcome of this legislation was achieved. However, given States' responsibility to manage WIC as a discretionary grant program and the varying market conditions in each State, FNS believes that States need flexibility to develop their own peer groups, competitive price criteria, and allowable reimbursement levels. At the October 2004 meeting the FNS convened to gain input for this rule, States indicated that they needed the ability to design cost containment practices that would be effective in their own markets and would ensure participant access. In addition, there is little information about the effectiveness of particular cost containment practices in the variety of markets represented by the 89 WIC State agencies. Mandating more specific means of developing peer groups, competitive price criteria, and allowable reimbursement levels could have unintended negative consequences for participant access, food costs and administrative burden. As States gain experience and the results of their vendor cost containment practices become apparent, FNS may develop further regulations and guidance to improve vendor cost containment. In the interim, FNS believes that the current rule will substantially accomplish the goal of the Act of containing food costs and ensuring that above-50-percent vendors do not result in higher costs to the WIC Program than regular vendors.

Costs and Benefits: **Costs:** This rule places new requirements on State agencies; therefore, the cost implications of this rule relate primarily to administrative burden for WIC State agencies. These cost implications are partially dependent on the current practices of State agencies relative to the requirements of the rule. Detailed information regarding the cost implications of this rule is contained in the Regulatory Impact Analysis developed by FNS to accompany this rulemaking. **Benefits:** The WIC Program will benefit from the provisions of this rule by reducing unnecessary food expenditures, thus increasing the potential to serve more eligible women, infants, and children for the same cost. This rule should have the effect of ensuring that payments to vendors, particularly vendors that derive more than 50 percent of their annual food sales revenue from WIC food instruments, reflect competitive prices for WIC foods. The Regulatory Impact Analysis prepared by FNS to accompany this rulemaking projects an estimated monthly cost savings of over \$6.25 million. (Details of this projection can be found in the complete Regulatory Impact Analysis.)

Risks: Because the vendor peer group provisions in the Child Nutrition and WIC Reauthorization Act of 2004 and this rule provide for some flexibility in implementation, and because there is a wide degree of variation in food prices and current vendor cost containment practices across State agencies, the impact of many of the provisions of this rule is uncertain. Uncertainties include the administrative burden State agencies will incur and the savings that can be realized nationally or in any State agency. The major uncertainties for both administrative burden and program savings are discussed in greater detail in the Regulatory Impact Analysis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/29/2005	70 FR 71708
Interim Final Rule Effective	12/29/2005	
Interim Final Rule Comment Period End	11/29/2006	
Final Action	04/00/2009	
Final Action Effective	05/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

RIN Information URL: www.fns.usda.gov/wic

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Department of Agriculture (USDA)

Food and Nutrition Service (FNS)

RIN: 0584-AD73

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Title: WIC: Implementation of the Nondiscretionary WIC Certification and General Administration Provisions

Abstract: This interim 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 -- 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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 246 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 1786

Legal Deadline: Public Law 108-265 stipulates that the provisions addressing infant formula rebate contracts (see #2, below) be implemented through regulation not less than 2 years after enactment.

Action	Source	Description	Date
Other	Statutory		06/30/2006

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/03/2008	73 FR 11305
Interim Final Rule Implementation Date	04/02/2008	
Interim Final Rule Effective	05/02/2008	
Interim Final Rule Comment Period End	06/02/2008	
Final Action	05/00/2009	

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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

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RIN: 0584-AD74

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Title: WIC Farmers' Market Nutrition Program (FMNP): Implementation of the FMNP Provisions in the CN and WIC Reauthorization Act of 2004 (Pub. L. 108-265)

Abstract: This final 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. (05-003)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 248 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 1786

Legal Deadline: Public Law 108-265 stipulates that a final rule implementing the provision allowing State agencies to authorize roadside stands without prior approval from FNS be published not less than 2 years after enactment.

Action	Source	Description	Date
Other	Statutory		06/30/2006

Timetable:

Action	Date	FR Cite
Final Action	11/00/2008	
Final Action Effective	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Business; Governmental Jurisdictions; Organizations

Federalism: No

Energy Affected: No

RIN Information URL: www.fns.usda.gov/wic

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Food and Nutrition Service (FNS)

RIN: 0584-AD76

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Title: Revisions and Clarifications in Requirements for the Processing of Donated Foods

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 250.3, 250.13, 250.16, 250.17, 250.18; 7 CFR 250.19, 250.24, 250.30 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 7 USC 612d, 612c note; 7 USC 1431, 1431b, 1431e, 1431 note, 1446a-1, 1859, 2014, 2025; 15 USC 713c; 22 USC 1922; 42 USC 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/24/2006	71 FR 50250
NPRM Comment Period End	11/22/2006	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: Business

Federalism: Yes

Energy Affected: No

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

RIN: 0584-AD79

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Title: FSP: Unauthorized Redemption and Trafficking in Program Benefits

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 7 CFR 278 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 2011 to 2036

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
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RIN: 0584-AD82

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Title: School Breakfast Program: Severe Need Assistance

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)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 220 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/2005	70 FR 66247
Interim Final Rule Effective	12/02/2005	
Interim Final Rule Comment Period End	05/01/2006	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Duplicate of 0584-AD50

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

RIN: 0584-AD83

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Title: Marketing and Sale of Fluid Milk in Schools

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)

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/2005	70 FR 70031
Interim Final Rule Effective	12/21/2005	
Interim Final Rule Comment Period End	05/22/2006	
Final Action	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: Undetermined

Related RINs: Duplicate of 0584-AD57

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

RIN: 0584-AD59

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Title: Nutrition Standards in the National School Lunch and School Breakfast Programs

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 require that reimbursable meals offered by schools meet the applicable recommendations of the Dietary Guidelines for Americans. This proposed rule would revise the regulations on meal patterns and nutrition standards to ensure that school meals reflect the 2005 Dietary Guidelines for Americans. (04-017)

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 210; 7 CFR 220 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-265, sec 103

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2010	
NPRM Comment Period End	03/00/2011	
Final Action	03/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Food and Nutrition Service (FNS)

RIN: 0584-AD77

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Title: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages
 Abstract: This interim final rule implements the first comprehensive revisions to the WIC food packages since 1980. These revised food packages were developed to better reflect current nutrition science and dietary recommendations than do current food packages, within the parameters of current program costs. This interim final rule revises regulations governing the WIC food packages to align the WIC food packages with the Dietary Guidelines for Americans (DGA) (1) and current infant feeding practice guidelines of the American Academy of Pediatrics, better promote and support the establishment of successful long-term breastfeeding, provide WIC participants with a wider variety of food, and provide WIC State agencies with greater flexibility in prescribing food packages to accommodate participants with cultural food preferences. (05-006)

Priority: Economically Significant Agenda Stage of Rulemaking: Long-term Action
 Major: Yes Unfunded Mandates: No
 CFR Citation: 7 CFR 246 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 42 USC 1786
 Legal Deadline: CN and WIC Reauthorization Act of 2004 (Public Law 108-265) requires issuance of final rule within 18 months of release of IOM Report.

Action	Source	Description	Date
Other	Statutory		11/00/2006

Timetable:

Action	Date	FR Cite
NPRM	08/07/2006	71 FR 44784
NPRM Comment Period End	11/06/2006	
Interim Final Rule	12/06/2007	72 FR 68966
Interim Final Rule Effective	02/04/2008	
Interim Final Rule Comment Period End	02/01/2010	
Final Action	02/00/2011	

Regulatory Flexibility Analysis Required: No Government Levels Affected: Local; State; Tribal
 Small Entities Affected: Business Federalism: No
 Energy Affected: No
 RIN Information URL: www.fns.usda.gov/wic Public Comment URL: www.fns.usda.gov/wic
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Department of Agriculture (USDA)
Food and Nutrition Service (FNS)

RIN: 0584-AD45

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Title: Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions

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)

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 250.12, 250.19, 250.24, 250.40, 250.41; 7 CFR 250.42, 250.48, 250.49, 250.50 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Older Americans Act of 1965, as amended

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/08/2006	71 FR 33344
NPRM Comment Period Extended	08/03/2006	71 FR 43992
NPRM Comment Period End	09/07/2006	
Final Action	08/08/2008	73 FR 46169

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Federalism: No

Energy Affected: No

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

RIN: 0584-AD58

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Title: Special Nutrition Programs: Fluid Milk Substitutions

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)

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AB45

 [View Related Documents](#)

Title: Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands

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 acknowledgment 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, 222, 228, 241, 251, 254, and 292. In addition, the proposed rule would move the provision about mediation of term grazing permit disputes to 36 CFR 222. Their provisions, 36 CFR 252.103, are more appropriately placed at 36 CFR 222, which deals with Forest Service range management.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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; 36 CFR 222; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 472; 16 USC 551

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AB75

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Title: Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 223; 36 CFR 261 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 620

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

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RIN: 0596-AC12

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Title: Grazing Permit Administration (FSH 2209.13, Chapters 10 and 20)

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 5801

Legal Deadline: None

Timetable:

Action	Date	FR Cite

Interim Directives	07/19/2005	70 FR 41370
Proposed and Interim Directives	08/19/2005	70 FR 48663
Comment Period End	08/20/2005	
Notice--Previous Actions Withdrawn for Reconsideration	09/20/2005	70 FR 55102
Comment Period End	12/19/2005	
Proposed Directive	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC24

 [View Related Documents](#)

Title: Recreation Event Fees (Forest Service Manual, Chapter 2720)

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 497, 551

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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RIN: 0596-AC31

 [View Related Documents](#)

Title: Revisions to General Prohibitions Regarding Livestock and Wild Free-Roaming Horses and Burros on National Forest System Lands

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 222; 36 CFR 261.7; 36 CFR 261.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 551

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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RIN: 0596-AC41

 [View Related Documents](#)

Title: Advertising and Sponsorship in Connection With Concessions Involving Privately Owned Improvements on National Forest System Lands (Forest Service Manual 2340)

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.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: Not Yet Determined
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Interim Directive	11/25/2005	70 FR 71081
Comment Period End	03/27/2006	
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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RIN: 0596-AC48

 [View Related Documents](#)

Title: Linear Right-of-Way Rental Payment Schedule

Abstract: Section 367 of the Energy Policy Act of 2005 (the Act) directs the Secretary of the Interior to update the per acre rent schedule found in 43 CFR 2806.20. The Act requires that the BLM revise the per acre rental fee zone value schedule by state, county, and type of linear right-of-way use to reflect current land values in each zone. The Act also requires the Secretary of Agriculture (Forest Service) to make the same revisions for rights-of-way on National Forest System (NFS) lands. The BLM published an advance notice of proposed rulemaking on April 27, 2006 (71 FR 24836) and notice of proposed rule on December 11, 2007 (72 FR 237). The Forest Service (FS) in adopting the BLM final fee schedule will modify policy to be consistent with BLM. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 251.57 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 15801

Legal Deadline:

Action	Source	Description	Date
NPRM	Statutory		08/08/2006

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Forest Service (FS)

RIN: 0596-AC51

 [View Related Documents](#)

Title: Ground Water Resource Management Policy Direction (Forest Service Manual, Chapter 2560 and Forest Service Handbook 2709.11)

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 chapter 2560 and adding provisions to the Forest Service Special Uses 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 475; 16 USC 526

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC53

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Title: Categorical Exclusion for Ski Area Resort Activities (FSH 1909.15, Chapter 30)

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 were 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, improving or replacing existing facilities, and minor construction within the permitted area.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 CFR 1b

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC64

 [View Related Documents](#)

Title: Publicly Managed Recreation Opportunities (Forest Service Manual (FSM) 2300, 2330, 2340)

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.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 16 USC 6801 to 6814; 16 USC 551
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
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Government Levels Affected: No
 Federalism: No

Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC65

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Title: Administrative Issuances; Involving the Public in the Formulation of Forest Service Directives

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, part 216, would also be revised to clarify when and how to involve the public in the formulation of Forest Service directives.

Priority: Substantive, Nonsignificant
 Major: Undetermined
 CFR Citation: 36 CFR 200.4; 36 CFR 216 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 7 CFR 2.7; 16 USC 1612(a)
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No
 Government Levels Affected: No

Small Entities Affected: No
 Energy Affected: No
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Federalism: No

Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC66

 [View Related Documents](#)

Title: Land Management Planning Handbook, Land Management Plan (FSH 1909.12, Chapter 10)

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, such as outdoor recreation, range, timber, watershed, or wildlife and fish purposes and not tools such as prescribed fire.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 36 CFR 219
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Notice of Proposed Interim Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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RIN: 0596-AC69

external review with interested publics. These reviews are critical to the success of implementing a consistent, national program. The proposed directive is expected to provide more effective implementation of the Clean Water Act, Safe Drinking Water Act, the 1982 and 2008 NFMA planning regulations, and Department and Agency policies for protecting water resources from point sources of pollution.

Priority: Substantive, Nonsignificant
 Major: Undetermined
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: Not Yet Determined
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Forest Service (FS)

RIN: 0596-AC72

 [View Related Documents](#)

Title: Habitat Planning and Evaluation, Bighorn Sheep vs Domestic Sheep

Abstract: A new policy will be included in the FSM 2620 chapter to provide guidance on management of native bighorn sheep if there is a potential to interact with domestic sheep. The guidance will outline procedures to design and implement collaborative processes to resolve potential management conflicts between native bighorn sheep and domestic sheep where contact and interaction between the two species may occur. The policy will identify possible participants in the collaborative process including livestock permittees, State Fish and Game and Agriculture agencies, sheep scientists, and relevant Forest Service wildlife and range personnel, and U.S. Fish and Wildlife Service employees if threatened or endangered species are involved. The policy will identify information necessary to bring the collaborative process to design agreeable solutions when there are probable conflicts. Justification for Proposed Action (Market Failure or Other Problem Addressed, Objectives, Alternatives, Expected Results): There is currently no Agency policy providing guidance on resolving conflicts between native bighorn sheep and domestic sheep. Scientific evidence suggests that when bighorn sheep come into contact with domestic sheep significant mortality among native bighorns is likely to occur. An informal Forest Service white paper and Washington Office transmittal letter currently exists that provides useful information to craft a collaborative process to resolve potential conflicts. However, this paper does not represent adopted Agency policy and confusion exists regarding the standing of this letter and paper. Official Agency policy and procedures are needed to address potential conflicts should they occur.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: Not Yet Determined
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Forest Service (FS)

RIN: 0596-AC73

 [View Related Documents](#)

Title: Burned Area Emergency Response (BAER) (FSM 2523)

Abstract: The changes proposed to FSM 2523, Burned Area Emergency Response, would provide clear direction on the objective, policy, and responsibilities for the BAER program. This revision is needed to:

- Clarify the objective of the BAER program.
- Provide clear policy for regions/forests to conduct post-fire emergency stabilization while applying appropriate cost-constraints in order to avoid fire transfer of funds.
- Assign approval (decision) authority to the regional foresters (currently the WO director of WFW).
- Provide a definition of a BAER emergency.
- Define several other key terms.
- Enumerate the program constraints.
- Clarify the distinction between the BAER and post-fire rehabilitation programs.
- Establish new process for the BAER program.
- Establish oversight for program accountability.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

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RIN: 0596-AC75

 [View Related Documents](#)

Title: Post-Event Recovery Program

Abstract: The proposed Post-Event Recovery program directive would establish a new program to assess and implement recovery treatments after a catastrophic event. This new manual direction is needed to:

- Establish a new program.
- Clarify the objective of the post-event recovery program.
- Provide clear policy for regions/forests to conduct post-event recovery assessment.
- Define several key terms.
- Clarify the distinction between the BAER and post-event recovery programs.
- Establish new process for the BAER program.
- Establish oversight for program accountability.

The proposed Post-Event Recovery program directive would establish a new program to assess and implement recovery treatments after a catastrophic event.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Interim Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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RIN: 0596-AC76

 [View Related Documents](#)

Title: Law Enforcement Prohibitions

Abstract: Description of Proposed Action: On February 16, 1994, the Forest Service published a proposed rule amending 36 CFR part 261 and 262 (59 FR 7880). Comments received on the 1994 proposed rule were considered in this proposed rule to part 261. In addition to the issues raised in 1994, the Forest Service reviewed 36 CFR part 261 as part of the regulatory reinvention effort to determine the rule's applicability in view of changing laws, resource conditions, evolving public safety issues, and other factors affecting management of National Forest System lands. This proposed rule change plans to clarify and move regulations currently located in 36 CFR part 261 subpart B to subpart A regarding the possession of controlled substances, State alcohol prohibitions, and the operation of motor vehicles on National Forest System roads and trails. In addition, the penalty portion of 36 CFR 261.1b will be corrected to reflect current Federal sentencing guidelines for fine amounts pursuant to title 18 United States Code 3571, establish some additional definitions for clarification, and make minor technical corrections in subpart A. Justification for Proposed Action (Market Failure or Other Problem Addressed, Objectives, Alternatives, Expected Results): Evolving demographics, increased visitor use, and corresponding public safety issues require regulatory enforcement be readily at the disposal and deployment of the Forest Service to help ensure a safe and quality environment for all visitors. Currently, Forests and Districts incur time, process, and renewal constraints to enforce the primary public safety issues under 36 CFR subpart B guidelines, within the scope of Special Orders. By clarifying and moving these public safety regulations to 36 CFR part 261, subpart A, they will become permanent and available at all operating levels and eliminate the need for continual renewal. Subpart B Special Orders are normally intended to temporarily address an enforcement issue. The

proposed rule would clarify and move several existing prohibitions currently located in 36 CFR 261, subpart B, and relegate them to 36 CFR subpart A. The Forest Service is publishing in the Federal Register for notice and comment, proposed changes to the prohibitions at 36 CFR 261, subparts A and B. This proposal is necessary to enable units to apply prohibitions promoting public safety, provide both regional and national law enforcement consistency, and provide congruency with State laws governing the possession of controlled substances, State prohibitions regarding alcohol, and the operation of motor vehicles on National Forest System roads and trails. The Forest Service will make every effort to ensure that all local, State, and Federal law enforcement organizations, State and Federal court system agencies, and other interested parties are informed of the availability of the proposed rule when they are published in the Federal Register. In order to ensure the widest distribution, the Forest Service intends to distribute the proposed rule through direct paper copy mailings, e-mail notices, and the posting of pertinent information on the Forest Service's Internet website. Copies of the proposed rule will also be provided to the appropriate congressional committees.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 36 CFR 261 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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RIN: 0596-AC77

 [View Related Documents](#)

Title: Invasive Species Management

Abstract: The goal of the USDA Forest Service invasive species program is to reduce, minimize, or eliminate the potential for introduction, establishment, spread, and impact of invasive species across all landscapes and ownerships. The Department of Agriculture's national invasive species program allows the Forest Service to take action against invasive species threats, yet no specific invasive species management policy has been developed to provide the broad guidance necessary for Agency activities addressing aquatic and terrestrial invasive species impacting the National Forest System lands or other areas of jurisdiction. The objective of this proposed action is to develop a Forest Service Manual chapter for invasive species management, and an accompanying Forest Service Handbook to provide a solid foundation on which to build a more effective invasive species program and meet the defined program goal. This policy will support both departmental and Agency-specific strategic plan goals and objectives for invasive species management.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC80

 [View Related Documents](#)

Title: Down Payment; Periodic Payments

Abstract: The proposed action is to revise two separate but related rules by providing notice of the proposed rules and request for comments. 36 CFR 223.49 would be revised to correct problems with procedures for releasing down payments associated with a drastic reduction in wood product prices. The public will also be asked to comment on an alternative procedure for use and release of down payments proposed by the timber industry. 36 CFR 223.49 and 223.50 would be revised to remove the requirement for a downpayment and periodic payments on stewardship contracts. Seek public comment on these proposed amendments prior to issuing final rules. Justification for Proposed Action: The drastic reduction in wood product prices that is currently ongoing has revealed problems with the downpayment procedures that were not evident when forest product markets were stronger. Under the current regulations a purchaser must pay for, cut and remove timber equal in value to 10% of the total advertised value plus 20 percent of the bid premium. On some stumpage rate adjusted sales prices de-escalated so much that most, and in some cases all, of the included timber was cut and paid for without triggering the release of the downpayment. To avert this problem industry has proposed tying release of the downpayment to volume rather than value. But, that method can result in the government not being adequately protected in sharply rising markets or in unit rate sales including combinations of very high and very low value species. A procedure that uses both value and volume components for triggering release of the downpayment would be a more equitable approach. Industry has also proposed treating the downpayment like periodic payments where the cash deposited can be used to pay for timber as it is cut. This would help their cash flow while still providing the economic incentive the regulation intended to encourage purchasers to harvest the timber sooner rather than later. Additionally, because stewardship contracting procedures negate the need for down payments and periodic payments the 36 CFR 223.49 and 223.50 regulations need to be revised to exclude stewardship contracts from those requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 36 CFR 223.49; 36 CFR 223.50 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/29/2008	73 FR 64288
NPRM Comment Period End	12/29/2008	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC83

 [View Related Documents](#)

Title: Pest and Disease Revolving Loan Fund

Abstract: Description of Proposed Action: Proposed rule making for the Pest and Disease Revolving Loan Fund, authorized in the 2008 Farm Bill. Targeted for public comment in the 2nd quarter of FY09. This new program provides low interest loans to local governments for equipment and contracts to aid in combating invasive species outbreaks. The Loans may fund monitoring, removal, and disposal of infested trees. Authorizes appropriations of "such sums as are necessary." New program authorized in the 2008 Farm Bill (Pub. L. 110-234), section 10205. The Forest Service has a long-standing and legislatively mandated relationship with State forestry agencies for delivery of Cooperative Forestry Assistance Act of 1978 (CFAA) programs (such as the Forest Stewardship Program, Urban and Community Forestry Program, and the Forest Legacy Program). In contrast, the Pest and Disease Revolving Loan Fund would be available directly to local governments. A revolving loan fund for acquisition of equipment for removing dead and damaged trees requires detailed documentation and complex procedures. The Forest Service does not have significant experience in managing a revolving loan fund. This will require a high level of accountability from grantees to protect the Federal investment in purchasing equipment to combat invasive species outbreaks in community trees. Invasive species were identified by the Chief of the Forest Service as one of four threats to our Nation's forests and grasslands.

Priority: Other Significant
 Major: Undetermined
 CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: PL 110-234, sec 10205
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: Undetermined

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis
 Required: Undetermined
 Small Entities Affected: Governmental Jurisdictions
 Energy Affected: Undetermined
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Government Levels Affected: Undetermined
 Federalism: Undetermined

Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC84

 [View Related Documents](#)

Title: Community Forest and Open Space Conservation Program

Abstract: Description of Proposed Action: Proposed rule making for the Community Forest and Open Space Conservation Program, authorized in the 2008 Farm Bill. Targeted for public comment in the 2nd quarter of FY09. The Community Forest and Open Space Conservation Program amends the Cooperative Forestry Assistance Act (CFAA) by inserting after section 7 (Forest Legacy) section 7a. This program will provide federal matching grants to help local government, tribes, or NGOs acquire private forests that are threatened by conversion to non-forest uses. Properties acquired are working forests open to hunting and fishing. Authorizes appropriations of "such sums as are necessary." New program authorized in the 2008 Farm Bill (Pub. L. 110-234), section 8003. The acquisition of parcels for the creation of community forests requires detailed documentation and complex procedures. While the Forest Service has experience working with States on similar activities through the Forest Legacy Program, this new program will require the Forest Service to provide grants directly to tribes, local governments, and non-profit organizations. This will require a high level of accountability from grantees to protect the Federal investment in purchasing community forests. The loss of open space was identified by the Chief of the Forest Service as one of four threats to our Nation's forests and grasslands and "Conserve Open Space" is the third goal in the Forest Service 2007-2012 Strategic Plan. The recently released Forest Service Open Space Conservation Strategy outlines agency actions to conserve open space. This program is also similar to the USDA Farm Bill proposal "Community Forests Working Lands Program."

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-234, sec 8003

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC85

 [View Related Documents](#)

Title: Forest Products for Traditional and Cultural Purposes

Abstract: Description of Proposed Action: Develop proposed rule to implement the 2008 Farm Bill section 8105 Forest Products for Traditional and Cultural Purposes. Justification for Proposed Action: Section 8105 provides free use of forest products for Native Americans for Traditional and Cultural Purposes. The implementation of this free use needs to be included in a revision of the present free use regulations. The Forest Service has existing regulations (36 CFR 223.5 through 36 CFR 223.11) for the free use of forest products from National Forest System lands. Therefore, the implementation of this expanded authority for free use needs to be included in a revision of the present free use regulations. Subtitle B of the Farm Bill Forestry Title "Cultural and Heritage Cooperation Authority" is consistent with previous legislative proposals supported by the Forest Service and USDA.

Priority: Other Significant
 Major: Undetermined
 CFR Citation: 36 CFR 223.5; 36 CFR 223.8 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: PL 110-234, sec 8105
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: Undetermined

Timetable:

Action	Date	FR Cite
NPRM	04/00/2009	

Regulatory Flexibility Analysis Required: Undetermined
 Small Entities Affected: Governmental Jurisdictions
 Energy Affected: Undetermined
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Government Levels Affected: Undetermined
 Federalism: Undetermined

Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AB21

 [View Related Documents](#)

Title: Sale and Disposal of National Forest Timber; Cancellation of Timber Sale Contracts

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 of contractual changes or contract cancellations is critical to protecting the public's financial interests.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: 36 CFR 223.30; 36 CFR 223.40; 36 CFR 223.116 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 16 USC 472a; 16 USC 551; 16 USC 618
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	12/30/1996	61 FR 68690
NPRM Comment Period End	02/13/1997	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AB61

 [View Related Documents](#)

Title: Law Enforcement Support Activities

Abstract: On February 16, 1994 (59 FR 7880), the Forest Service published a proposed rule for 36 CFR part 261, Prohibitions, and part 262, Law Enforcement Support Activities. Due to the high level of interest in and comment on part 261, the decision was made to publish second proposed rules separately for each part. The Forest Service is proceeding with publication of a second proposed rule for part 262, Law Enforcement Support Activities. The proposed revisions to part 262 are narrow in scope and are meant to clarify specific administrative provisions. In particular, they address the limitations and conditions for paying rewards in connection to fire or property prosecution; clarify the rules regarding the purchase of information or evidence in furtherance of investigations; and clarify certain actions and regulations regarding the impoundment, removal, and disposition of animals and personal property from National Forest System lands. The proposed rule also responds to comments concerning part 262 that were received in response to the proposed rule published in 1994. The majority of those comments referred to how the rule defines certain terms. To address those comments in this second proposed rule, the Agency proposes to add a new section for definitions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 262 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 1011(f); 16 USC 472; 16 USC 551; 16 USC 559(a) to 559(g); 40 USC 484(m)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/16/1994	59 FR 7880
NPRM Comment Period End	05/18/1994	
Second NPRM	07/17/2008	73 FR 41003
Second NPRM Comment Period End	09/15/2008	
Final Rule	05/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AB81

 [View Related Documents](#)

Title: Special Forest Products and Forest Botanical Products

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 223 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 106-113

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/22/2007	72 FR 59496
NPRM Comment Period End	12/21/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AB98

 [View Related Documents](#)

Title: Locatable Minerals

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 228, subpart A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 21 to 54; 30 USC 612

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/25/2008	73 FR 15694
NPRM Comment Period End	05/27/2008	
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC16

 [View Related Documents](#)

Title: Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Modification of Contracts

Abstract: The Forest Service is adopting a final rule at part 223, subpart B, of title 36 Code of Federal Regulations, section 223.112. This final rule authorizes timber sale contracting officers to modify contracts to provide a redetermination of stumpage rates and deposits to reflect significant timber market declines. This rule applies to existing timber sale contracts awarded after October 1, 1995, that have been suspended for more than 90 days, during the normal operating season because of administrative appeals or litigation, through no fault of the timber purchaser. This final rule provides relief for purchasers in this situation by enabling them to obtain stumpage rate redeterminations to continue existing contracts after the suspension has been lifted to ensure the economic viability of the sale.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 223.112 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 472a; 16 USC 618; 16 USC 620 to 620j

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/2004	69 FR 18813
Interim Final Rule Comment Period End	06/08/2004	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AC22

 [View Related Documents](#)

Title: Predator Damage Management (Forest Service Manual, Chapter 2320)

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).

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 7 USC 426

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	06/07/2006	71 FR 32915
Comment Period Extended	08/08/2006	
Comment Period End	09/07/2006	
Final Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AC26

 [View Related Documents](#)

Title: Integrated Resource Contracts, FS-2400-13 and FS-2400-13T (Notice of Final Contracts)

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-7

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Interim Contracts	10/05/2004	69 FR 59577
Comment Period End	11/04/2004	
One-Time Notice of Final Contract	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC38

 [View Related Documents](#)

Title: Clarification for the Appropriate Use of a Criminal or a Civil Citation To Enforce Mineral Regulations

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. The Federal Register Notice will include the final rule as well as a response to all substantive comments.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 261.10 (b); 36 CFR 261.10 (k) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/10/2007	72 FR 26578
NPRM Comment Period End	07/09/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No
 Energy Affected: No
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Federalism: No

Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC39

 [View Related Documents](#)

Title: Travel Management (Forest Service Manual 2300 and 7700)

Abstract: The Forest Service will publish final directives to implement the Travel Management rule (36 CFR 212) including the following sections of the FSM and FSH: FSM 2350 – Trail, River, and Similar Recreation Opportunities FSM 7700 Zero Code – Travel Management FSM 7710 – Travel Planning FSM 7730 – Road Operation and Maintenance FSH 7709.55 – Travel Analysis Handbook The changes are needed to provide guidance on implementation of the final 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 final 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. The proposed directives were published and a total of 33 comments were received.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 212 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 11644

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	03/09/2007	72 FR 10632
Final Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC42

 [View Related Documents](#)

Title: Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses

Abstract: The Energy Policy Act of 2005 (Pub. L. 109-58) contains provisions requiring a trial-type hearing to resolve disputed issues of material fact related to mandatory conditions and prescriptions required under the issuance of a Federal hydropower license. The law also mandates that the Agency consider alternatives to proposed mandatory conditions and prescriptions. This law charges agencies requiring mandatory conditions and prescriptions with the promulgation of new regulations by November 7, 2005, to provide the regulatory framework to implement the trial-type hearing process. The U.S. Department of Agriculture, acting through the Forest Service, is one of the agencies required under the Act to provide a trial-type hearing and issue an implementing regulation. To meet the statutory deadline, the U.S. Department of Agriculture, along with the U.S. Departments of the Interior and Commerce, issued a joint interim final rule. The Department of the Interior is the lead agency in this effort. The Forest Service adopted an interim final rule at 7 CFR part 1 establishing a trial-type hearing procedure to resolve disputed issues of material fact related to mandatory conditions and prescriptions required under the issuance of a Federal hydropower license. The interim final rule also provides a process for the filing of proposed alternative conditions and prescriptions.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 7 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-58

Legal Deadline: Public Law 109-58 charges agencies requiring mandatory conditions and prescriptions with the promulgation of new regulations by November 7, 2005, to provide the regulatory framework to implement a trial-type hearing process.

Action	Source	Description	Date
Other	Statutory		11/07/2005

Regulatory Plan:

Statement of Need: The Departments of Agriculture, the Interior, and Commerce are jointly revising the procedures they established for expedited trial-type hearings. The three Departments are also revising the procedures they established for the consideration of alternative conditions and prescriptions submitted by any party to a Federal Energy Regulatory (FERC) hydroelectric licensing proceeding. Three substantially similar rules are being promulgated - one for each agency - with a joint preamble. The rules and preamble reflect changes to each Department's interim final rules, in response to public comments and the Departments' experience in implementing their interim final rules.

Legal Basis: On November 17, 2005, the Departments of Agriculture, the Interior, and Commerce jointly published interim final rules implementing section 241 of the Energy Policy Act of 2005 (EPA), Pub. L. 109-58. 70 FR 69804-51. In their joint preamble, the Departments stated that, based upon comments received and experience gained with their interim final rules, they would consider revising the rules.

Alternatives: There was some discussion among the Departmental/Agency representatives over the interpretation of the scope of work and trigger for conducting an alternative condition analysis. DOI proposed that the group conduct an alternative condition analysis on ALL mandatory conditions. The DOI position was agreed to with some clarification that this approach was selected as it is not explicit in the language of Section 241 of the Energy Policy Act of 2005.

Costs and Benefits: The Final rule addresses the uncertainty by commenters about the "Interim Final" rule from 2005 and it incorporates some of the lessons learned of some of the Trial Type and Alternative Condition processes conducted since promulgation of the Interim Final Rule. The most notable costs are staff time to conduct an Alternative Condition Analysis for all mandatory terms and conditions submitted to FERC and potential litigation challenging the Alternative Condition Analysis due to limited expertise in some of the legislated considerations when conducting an Alternative Condition Analysis.

Risks: No risks have been identified at this time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/2005	70 FR 69804
Interim Final Rule Comment Period End	01/17/2006	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC46

 [View Related Documents](#)

Title: Small Business Administration Timber Sale Set-Aside Program

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 36 CFR 223.118

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	08/01/2006	71 FR 43435
Comment Period Extended	09/29/2006	71 FR 57462
Comment Period End	10/02/2006	
Comment Period End	12/11/2006	
Final Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC50

 [View Related Documents](#)

Title: Outfitter and Guide Special Use Authorizations (Forest Service Handbook 2709.11, Chapter 40)

Abstract: The Forest Service is publishing a final 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. In addition, the Forest Service is revising a directive governing insurance requirements for Forest Service special use permits.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 43 USC 1761 to 1771

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	10/19/2007	72 FR 59246
Comment Period End	03/20/2008	
Final Directive	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Split From 0596-AC25

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC61

 [View Related Documents](#)

Title: Processing Applications for Wind Energy Development on National Forest System Lands (Forest Service Manual 2720)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-58; EO 13212; 16 USC 472; 16 USC 4601(6a(c)); 7 USC 1011(f); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
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Proposed Directive	09/24/2007	72 FR 54233
Comment Period Extended	11/27/2007	
Comment Period End	11/23/2007	
Comment Period End	01/23/2008	
Notice of Final Policy	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC74

 [View Related Documents](#)

Title: Special Areas; State-Specific Inventoried Roadless Area Management: Colorado

Abstract: On April 11, 2007, Governor of Colorado Ritter 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 the management of inventoried roadless areas within the State of Colorado. 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 inventoried roadless areas in Colorado. The proposed rulemaking would manage Colorado's inventoried roadless areas by prohibiting road building and tree cutting, with some exceptions, on 4.1 million acres of inventoried roadless areas in Colorado. The 4.1 million acres reflect the most updated IRA boundaries for Colorado, which incorporate planning rule revisions since 2001 on several Colorado national forests. Inventoried roadless areas that are allocated to ski area special uses (approximately 10,000 acres) would also be removed from roadless designation. Road construction and reconstruction plus timber harvesting would be prohibited in inventoried roadless areas, with some exceptions, on the Arapaho-Roosevelt, Grand Mesa-Uncompahgre, Gunnison, Manti-La Sal, Pike-San Isabel, Rio Grande, Routt, San Juan, and White River National Forests in Colorado. Exceptions to the prohibitions would be allowed for certain health, safety, valid existing rights, resource protection, and ecological management needs. Web site: <http://roadless.fs.fed.us>

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 36 CFR 294 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Department of Agriculture is committed to conserving and managing roadless values and considers inventoried roadless areas an important component of the National Forest System. The roadless rule has been the subject of 10 lawsuits in Federal district courts in Idaho, Utah, North Dakota, Wyoming, Alaska, and the District of Columbia. On July 14, 2003, the U.S. District Court for the District of Wyoming found the 2001 roadless rule to be unlawful and ordered that the rule be permanently enjoined. On May 13, 2005, the Forest Service promulgated the State Petitions Rule. The State Petitions Rule allowed Governors to voluntarily seek establishment of or adjustment of management requirements for National Forest System inventoried roadless areas within their States. If a petition was not received within 18 months, inventoried roadless areas would be guided by individual land management plans. It also established the Roadless Area Conservation National Advisory Committee (RACNAC) to make recommendations on State-petitions to the Secretary. With the promulgation of the State Petitions Rule, the Tenth Circuit, which was reviewing an appeal by intervenors of the Wyoming court's decision, dismissed the case as moot. Under the guidance of the State Petitions Rule the States of California, Idaho, New Mexico, North Carolina, South Carolina, and Virginia filed a petition with the Secretary. The Secretary instructed the Forest Service to enter

into rulemaking for North Carolina, South Carolina, and Virginia. Two lawsuits were filed against the State Petitions Rule in the Federal district court for the Northern District of California. One suit was filed by the States of California, New Mexico, Oregon, and Washington with the State of Montana being amicus curiae in support of plaintiffs; and the States of Alaska and Idaho are amici curiae to USDA. The other lawsuit was filed by a coalition of environmental groups. On September 20, 2006, the Federal district court enjoined the State Petitions Rule and reinstated the roadless rule. In an effort to again re-enjoin the roadless rule, the State of Wyoming filed a second lawsuit in the Federal district court for Wyoming on January 12, 2007. Oral hearing for this lawsuit was held October 19 and decision is pending. With the reinstatement of roadless rule, the Under Secretary announced that interested States could still petition the Secretary pursuant to 5 U.S.C. section 553(e) and 7 CFR section 1.28. On November 13, 2006, Colorado Governor Bill Owens submitted his petition under these authorities. On April 11, 2007, Colorado Governor Bill Ritter resubmitted the petition with amendments. The RACNAC reviewed the petition and made recommendations to the Secretary on August 2, 2007. Collaboratively working on the establishment of a State-specific roadless rule for the petitioning State will allow the State the level of management of inventoried roadless areas it seeks to best meet its needs in balance with the Department's and Forest Service's goals for the conserving and managing roadless values nationally. In addition, it will allow for the management of these lands in that State without being affected by other legal actions concerning the roadless rule or State Petitions Rule.

Legal Basis: On January 12, 2001, the Department of Agriculture promulgated the Roadless Area Conservation Rule to provide for the conservation and management of approximately 58.5 million acres of inventoried roadless areas within the National Forest System under the principles of the Multiple-Use Sustained-Yield Act of 1960. The State of Colorado has petitioned the Secretary pursuant to 5 U.S.C. section 553(e) and 7 CFR section 1.28 for state-specific rules to replace this national rule.

Alternatives: The Forest Service is preparing environmental impact statements in support of the rulemaking effort. Besides the proposed rule, two alternatives are being considered: (1) Continuation of the RACR for management of these inventoried roadless areas, and (2) using existing forest plans and future forest plan revisions to determine the management of these areas.

Costs and Benefits: The proposed rule is an economically significant rule, and will have an annual effect of more than \$100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This proposed rule is not expected to interfere with an action taken or planned by another Agency nor raise new legal or policy issues. This proposed rule will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Furthermore, the proposed rule is programmatic in nature, consisting of direction for road construction, road reconstruction, timber harvesting, special uses including ski resorts, and discretionary mineral activities, which would be applied to future management activities on inventoried roadless areas in Colorado.

Risks: The rule is programmatic in nature and would constrain certain activities that would reduce roadless area characteristics. Reducing or controlling the development of these lands will reduce the risk of environmental effects associated with development activities like road construction, timber harvesting, and mineral extraction. Therefore soil, water, and air quality; sources of drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species dependent on large, undisturbed areas of land; scenic quality; traditional cultural properties and sacred sites; and other locally unique characteristics would be maintained.

Timetable:

Action	Date	FR Cite
NPRM	07/25/2008	73 FR 43544
NPRM Comment Period End	10/23/2008	
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; State; Tribal
Federalism: No

Energy Affected: No

RIN Information URL: www.roadless.fs.fed.us.

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 [View Related Documents](#)

Title: Market-Related Contract Term Additions Regulations

Abstract: Revise the Market-Related Contract Term Additions regulations at 36 CFR 223.52 to allow contracts to be extended for more than three years during prolonged periods of drastic reduction in wood product prices provided the additional time does not result in a total contract length greater than 10 years. The Market-Related Contract Term Additions (MRCTA) regulations (36 CFR 223.52) were first adopted in 1990 to prevent widespread contract defaults by providing additional contract time when adverse market conditions resulted in a drastic reduction in wood product prices. By providing additional contract time purchasers can shift operations from high priced sales purchased when markets were up to lower priced sales purchased when the market is down. As markets recover, purchasers can go back to their higher priced sales as they become economical to operate again. The MRCTA regulations limit the total additional contract time to the lesser of twice the original contract length or 3 years and can't result in the total contract length exceeding 10 years. The 10 year limit for total contract length is set in the National Forest Management Act of 1976, and this limit will not be considered for change under this proposed action. The other limits were established in the MRCTA regulations as an estimate of how much time was needed for markets to recover enough for operations to resume based on historical trends. However, the softwood lumber index peaked in August 2004 and has been declining since then. During this sustained decline it has triggered for 10 consecutive quarters beginning with September 2005 and it is expected to continue triggering through much if not all of 2008. Until the current event MRCTA has been working as intended for sales of softwood lumber. This sustained decline exceeds any prior declines since the MRCTA regulations were adopted and with no end in sight the 3-year limit on MRCTA needs to be extended to avert widespread defaults. As recently as the fall of 2007 lumber markets were predicted to begin improving by mid-2008. Had this occurred no change in the regulation would have been needed. Instead the mortgage crisis worsened resulting in a glut of homes on the market and new home construction which drives much of the lumber markets continues to decline. In a December 2007 the Federal Timber Purchasers Committee (FTPC) wrote the Forest Service that the North American lumber and panel industry was operating at approximately 70 percent of capacity, new curtailments and mill closures were being announced weekly, and production curtailments were expected to continue into 2008. The FTPC requested the Forest Service implement several short term relief measures needed for the existing manufacturing infrastructure to survive the current downturn and at the top of their list was relief on the 3-year limit for MRCTA. Maintaining the forest products infrastructure is critical to achieving national forest land management objectives and in many places critical to the local economy. Once lost this infrastructure is rarely replaced. This rule will benefit the industry, the forest service and local dependent communities at risk of losing manufacturing facilities. Because of the potential dire consequences associated with delay the proposed changes in the MRCTA regulations will be implemented as an interim final rule and request for comments. The Forest Service does not anticipate negative responses that would preclude quickly finalizing the rule.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 36 CFR 223.52 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/03/2008	73 FR 51388
NPRM Comment Period End	10/03/2008	
Interim Final Rule	11/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AC81

 [View Related Documents](#)

Title: Technical Changes to Lands, Special Uses Regulations

Abstract: 1) Description of Proposed Action: The Agency is proposing to provide direction on issuance of a recreation residence permit to a living trust in Forest Service Manual (FSM) 2720. Currently, this direction is enumerated in a 1995 policy letter. Consistent with this policy revision, the Agency is proposing to modify the definition of "applicant" in 36 CFR 251.51 to include any entity, not just a business or governmental entity, so that the term "applicant" can include a living trust. The proposed revision of 36 CFR 251.51 would read: "Applicant—any individual, partnership, corporation, association, or other entity, or Federal, State, or other governmental entity that applies for a special use authorization." Justification for the Proposed Action: Since "holder" is defined in the special use regulations as "any applicant who has received a special use authorization," if the definition of "applicant" is broadened to include a living trust, a living trust can then be a holder of a recreation residence special use authorization under the regulations. 2) Description of Proposed Action: The Agency is proposing to remove an outdated requirement in 36 CFR 251.54(f)(1)(ii). Without the obsolete requirement, 36 CFR 251.54(f)(1)(ii) would read: "The authorized officer shall notify the House Committee on Resources and the Senate Committee on Energy and Natural Resources promptly upon receipt of a proposal for a right-of-way for a pipeline 24 inches or more in diameter, together with the authorized officer's. . . ." Justification for the Proposed Action: In 1990, the President signed Public Law 101-475, which amended section 28(w)(2) of the Mineral Leasing Act (ML) (30 U.S.C. 185(w)(2)) to remove the requirement to wait 60 days after notifying Congress before granting a pipeline right-of-way when the pipeline is 24 inches or more in diameter. Accordingly, the implementing regulations would be revised to remove the 60-day waiting period. 3) Description of the Proposed Action: The Agency is proposing to insert the word "permits," which was inadvertently omitted, in the first sentence of 36 CFR 251.53(e). As amended, 36 CFR 251.53(e) would read: "Permits or easements for a right-of-way for a pipeline for the transportation of oil, gas, or oil or gas products, where no Federal land besides National Forest System lands is required. . . ." Justification for the Proposed Action: Direction in FSM 2701.1, paragraph 4, and 2710.11a, paragraph 4, and Forest Service Handbook (FSH) 2709.11, section 19, exhibit 03, uses the term "permit" to refer to a special use authorization for a pipeline issued under the MLA. Additionally, the MLA (30 U.S.C. 185) uses the term "right-of-way" or "permit" throughout. It has always been the Agency's practice to issue a permit or an easement for an MLA pipeline. Consistent with statutory law and policy, 36 CFR 251.53(e) would be updated to include the word "permit." 4) Description of the Proposal: As with the third proposal, the Agency is proposing to insert "a permit or" or "permits or" in front of "an easement" or "easements" in 36 CFR 251.60(a)(2)(i), (a)(2)(ii), and (g). The revised sections would read: Section 251.60 Termination, revocation, and suspension. (a) Grounds for termination, revocation, and suspension* * * (2) All other special uses. (i) Revocation or suspension. An authorized officer may revoke or suspend a special use authorization for all other special uses, except a permit or an easement issued pursuant to section 251.53(e) and (l) of this subpart: * * * * (ii) Administrative review. Except for revocation or suspension of a permit or an easement issued pursuant to section 251.53(e) and (l) of this subpart, suspension or revocation of a special use authorization under this paragraph is subject to administrative appeal in accordance with 36 CFR part 251, subpart C. * * * * (g) The authorized officer may suspend or revoke a permit or an easement issued pursuant to section 251.53(e) and (l) of this subpart pursuant to formal adjudicatory administrative proceedings instituted by the Secretary under 7 CFR 1.130 through 1.151. No administrative proceeding is required in connection with termination of a permit or an easement. Justification for the Proposed Action: Direction in FSM 2701.1, paragraph 4, and 2710.11a, paragraph 4, and FSH 2709.11, section 19, exhibit 03, uses the term "permit" to refer to a pipeline authorized under the MLA. Additionally, the MLA uses the term "right-of-way" or "permit" throughout. It has always been the Agency's practice to issue a permit or an easement for an MLA pipeline. Consistent with statutory law and policy, 36 CFR 251.60 would be updated to include the word "permit." 5) Description of the Proposed Action: The Agency is proposing to replace the cross-reference to section 251.54 in 36 CFR 251.65 with section 251.56. Justification for the Proposed Action: The cross-reference in 36 CFR 251.65 to the provision governing terms and conditions, section 251.54, is incorrect. The correct cross-reference to the provision governing terms and conditions is section 251.56. 6) Description of the Proposed Action: The Agency is proposing to replace the cross-reference to section 251.54(h)(1) in 36 CFR 251.60(a)(1)(i)(A) with 251.54(g)(3)(ii). Justification for the Proposed Action: The cross-reference in 36 CFR 251.60(a)(1)(i)(A) to the provision containing the evaluation criteria for noncommercial group use applications, section 251.54(h)(1), is incorrect. The correct cross-reference to the provision containing the evaluation criteria is section 251.54(g)(3)(ii). This direct final rule would provide for a 60-day comment period and would become effective 90 days after publication in the Federal Register, unless adverse comments are received during the comment period. If adverse comments are received, the agency will withdraw the final rule

and publish a proposed rule. Adverse comments received on the direct final rule will be considered in the development of a final. The Agency recommends that this direct final rule be designated non-significant because the revisions are narrow in scope and are technical changes to make the current CFR consistent with current policy. There are no other planned revisions to the Forest Service regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 215 subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

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RIN: 0596-AC58

 [View Related Documents](#)

Title: Special Areas; State Specific Inventoried Roadless Area Management: Virginia

Abstract: The Governor of Virginia submitted a petition to the Secretary of Agriculture under the provisions of the State Petitions for Inventoried Roadless Area Management, 36 CFR part 294, subpart B (2005 rule), adopted on May 5, 2005. The Secretary accepted the Governor's petition and initiated a proposed rulemaking for the roadless areas in Virginia. This rulemaking would prohibit road construction and reconstruction and timber harvest in certain inventoried roadless areas on the George Washington and Jefferson National Forests. Exceptions to the prohibitions would be allowed for certain health, safety, resource protection, and ecological management needs. However, on September 20, 2006, the United States District Court for the Northern District of California issued an order setting aside the 2005 rule and reinstating the 2001 Roadless Area Conservation rule (2001 rule). On September 22, 2006, the State of Wyoming filed a motion asking the Wyoming District Court, among other things, to reinstate its order enjoining the 2001 rule. As a result of ongoing litigation, USDA has notified the States that they may consider submitting a new rulemaking petition for roadless area management under the generic petition provisions in the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 294, subpart C (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 472; 16 USC 539; 16 USC 551; 16 USC 1608; 16 USC 1613; 23 USC 201; 36 CFR 294

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No Federalism: No
 Energy Affected: No
 Related RINs: Related to 0596-AC59; Related to 0596-AC60
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC59

 [View Related Documents](#)

Title: Special Areas; State Specific Inventoried Roadless Area Management: North Carolina

Abstract: The Governor of North Carolina submitted a petition to the Secretary of Agriculture under the provisions of the State Petitions for Inventoried Roadless Area Management, 36 CFR part 294, subpart B (2005 rule), adopted on May 5, 2005. The Secretary accepted the Governor's petition and initiated a proposed rulemaking for the roadless areas in North Carolina that would prohibit road construction and reconstruction and timber harvest in certain inventoried roadless areas on the Croatan, Nantahala, and Pisgah National Forests in North Carolina. Exceptions to the prohibitions would be allowed for certain health, safety, resource protection, and ecological management needs. However, on September 20, 2006, the United States District Court for the Northern District of California issued an order setting aside the 2005 rule and reinstating the 2001 Roadless Area Conservation rule (2001 rule). On September 22, 2006, the State of Wyoming filed a motion asking the Wyoming District Court, among other things, to reinstate its order enjoining the 2001 rule. As a result of ongoing litigation, USDA has notified the States that they may consider submitting a new rulemaking petition for roadless area management under the generic petition provisions in the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28).

Priority: Other Significant Agenda Stage of Rulemaking: Long-term Action
 Major: No Unfunded Mandates: No
 CFR Citation: 36 CFR 294, subpart D (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 16 USC 472; 16 USC 529; 16 USC 551; 16 USC 1608; 16 USC 1613; 23 USC 201; 36 CFR 294; ...
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Small Entities Affected: No Federalism: No
 Energy Affected: No
 Related RINs: Related to 0596-AC58; Related to 0596-AC60
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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AC63

 [View Related Documents](#)

Title: Land Management Planning Handbook, Forest Vegetation Resource Planning (FSH 1909.12, Chapter 60)
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 2008 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC et seq; 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Interim Directive	08/28/2008	73 FR 50756
Comment Period End	10/27/2008	
Final Action	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Forest Service (FS)

RIN: 0596-AA52

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Title: Indian Allotments on National Forest System Lands

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 254 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/22/1987	52 FR 23473
NPRM Comment Period End	07/22/1987	
Withdrawn	07/26/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AC15

 [View Related Documents](#)

Title: Predecisional Administrative Review and Objection Process for Projects Authorized Under Healthy Forests Restoration Act of 2003

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 215; 36 CFR 218, subpart A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-148

Legal Deadline: 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.

Action	Source	Description	Date
Other	Statutory	PL 108-148, sec 105	01/05/2004

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/2004	69 FR 1529
Interim Final Rule Comment Period End	04/08/2004	
Final Action	09/17/2008	73 FR 53705

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Small Entities Affected: No Federalism: No
 Energy Affected: No
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC25

 [View Related Documents](#)

Title: Outfitter and Guide Special Use Authorizations (Forest Service Handbook 2709.11, Chapter 30)

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.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: Completed Action
 Major: No Unfunded Mandates: No
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 16 USC 497
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Directive	09/17/2008	73 FR 53823

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Small Entities Affected: No Federalism: No
 Energy Affected: No
 Related RINs: Merge with 0596-AC50
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC30

 [View Related Documents](#)

Title: Clarifying Prohibitions Against Damage to the National Forest by Escaped Fires

Abstract: The Forest Service amends 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. In addition, the CFR is 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 that they will not be subject to a strict liability interpretation in 36 CFR 261.5. The comment period has ended following publication of the proposed rule in the Federal Register. Two comments in support of this clarification were received and will be considered in the publication of the Final Rule. Based on the two comments, no changes will be made to the proposed rule. Justification for Proposed Action (Market Failure or Other Problem Addressed, Objectives, Alternatives, Expected Results): These sections of 36 CFR 261 have not been interpreted consistently in the courts. We intend to achieve consistency in application and interpretation by amending the CFR to align with the Model Penal Code definitions of criminal intent.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 261.1; 36 CFR 261.2; 36 CFR 261.5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 551

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/02/2007	72 FR 15641
NPRM Comment Period End	06/01/2007	
Final Action	05/27/2008	73 FR 30305

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC33

 [View Related Documents](#)

Title: Pesticide Applications on National Forest System Lands

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 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. Justification: In response to public comments on the Proposed Rule, the Forest Service is evaluating whether the proposed rule would require NEPA analysis of the alternatives and documentation in an environmental assessment or Environmental Impact Statement before publishing a final rule.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 241; 36 CFR 251.50(a); 36 CFR 261.9(f) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/16/2006	71 FR 66715
NPRM Comment Period End	01/16/2007	
Withdrawn	08/06/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC45

 [View Related Documents](#)

Title: Forest Service Renewable Resources Handbook (2409.19), Chapter 60, Stewardship Contracting

Abstract: The Tribal Forest Protection Act (Pub. L. 108-278) authorizes the Secretaries of Agriculture and Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land. Upon request from an Indian tribe, the Secretary may issue public notice of initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Indian tribe. It authorizes the appropriate secretary to enter into such an agreement or contract following completion of any necessary environmental analysis. A task group was formed in September 2004 to prepare Forest Service policy for implementation of the TFPA. An Interim Directive was issued in December 2005. A Federal Register notice to review and comment on the Interim Directive was published in December 2006. A second Interim Directive was published in May 2007, to give the agency time to work with the policy before the policy is finalized. The second Interim Directive is in effect through November 2008. TFPA guidance was included in the Stewardship Contracting chapter due to the similarities and general goals of Stewardship Contracting and the TFPA. The Act refers to stewardship contracting and it is anticipated that most projects will use Stewardship Contracting. The agency consulted with tribes on the draft policy and received comments from 13 tribes and tribal organizations. Most of the comments addressed the definition of "bordering or adjacent"; clarification of the decision making responsibilities; and the section on contracting types. The agency then published the interim directive in the Federal Register for public comment. Comments were received from four tribes, one tribal organization and Federal organization (BIA). Some of the same tribes and the tribal organization submitted the same comments that were submitted during the consultation with tribes. The comments, again, focused on the definition of "bordering or adjacent"; clarification of the decision making responsibilities and the section on contracting types. The comments received are currently being analyzed and will be addressed in the final directive. The Agency is consulting with the Office of General Counsel on reviewing the comments and will assist with advice on what changes can be made to the draft policy from the

comments received. Using the direction in the Interim Directive, the Agency has approved seven proposals and has several proposals under review. Six of the proposals are for fuels reduction and restoration. One is for resource protection, including aquatic resources and streams. The proposals under review are similar in scope. Only one proposal has been denied, and that proposal is being appealed to the Chief. In general, the current draft policy is working well for the agency.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-278

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Directive (ID); Request for Comment	12/26/2006	71 FR 77360
ID Reissued With No Change	05/08/2007	
Final Directive	10/21/2008	73 FR 62463

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)
Forest Service (FS)

RIN: 0596-AC47

 [View Related Documents](#)

Title: Forest Service National Trail Management Classification System (Interim Final Directive, FSM 2330)

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 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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 36 CFR 212

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Proposed Directive	07/03/2006	71 FR 38021

Comment Period End	09/03/2006	
Interim Directive	10/16/2008	73 FR 61600

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC49

 [View Related Documents](#)

Title: Forest Service National Environmental Policy Act Procedures

Abstract: This rule gives Forest Service National Environmental Policy Act (NEPA) Procedures more visibility, consistent with the transparent nature of the Agency's environmental analysis and decisionmaking. Also, additions to the Forest Service NEPA procedures in this rule are intended to provide an environmental analysis process that better fits with modern thinking on decisionmaking, collaboration, and adaptive management to meet the intent of NEPA by describing a process for incremental alternative development and development of adaptive management alternatives. Previously, Forest Service NEPA procedures and agency guidance were combined in FSH 1909.15. Making changes to agency NEPA guidance in the Handbook previously involved consultation with CEQ pursuant to 40 CFR 1507.3 because the Handbook does not differentiate between NEPA "guidance" and "procedures." This was time-consuming for both agencies when updating simple guidance. Having agency NEPA procedures in the CFR, separate from internal guidance, will streamline the agency process for maintaining that internal guidance. General NEPA guidance and internal processes will continue to be set out in the FSH 1909.15 Handbook. Since the last major update of Forest Service NEPA policy in 1992, CEQ has issued guidance concerning emergency alternative arrangements under NEPA; guidance on preparing focused, concise, and timely environmental assessments; and guidance on consideration of past actions in cumulative effects analysis. The Agency incorporated this guidance in its regulation. The rule also incorporates concepts that are currently used, but for which there have been no explicit provisions in procedures. Specifically, these changes: -- Clarify actions subject to NEPA by summarizing the relevant CEQ regulations in one place. -- Recognize agency obligations to take immediate emergency responses and emphasize the options available for subsequent proposals to address actions related to the emergency when normal NEPA processes are not possible. -- Incorporate CEQ guidance language regarding what past actions are "relevant and useful" to a cumulative effects analysis. -- Clarify that an alternative(s), including the proposed action, may be modified through an incremental process. -- Clarify that adaptive management strategies may be incorporated into an alternative(s), including the proposed action. -- Incorporate CEQ guidance that states environmental assessments (EAs) need only analyze alternatives to the proposed action if there are no unresolved conflicts concerning alternative uses of available resources. The CEQ was consulted on the proposed and final rule to ensure the rule is in compliance with NEPA and the CEQ regulations. The draft NEPA procedures were published in the Federal Register on August 16, 2007, for a 60-day comment period. The Agency received 10,975 responses, consisting of letters, e-mails, web based submissions, and faxes. Of those, approximately 200 contained original substantive comments; the remaining responses were organized response campaign (form) letters. Comments were received from the public, from within the Agency, and from other agencies. The Department considered all the comments and made a number of adjustments to the rule in response. While most of the adjustments were editorial in nature to improve clarity, the following substantive changes were made: • "Schedule of Proposed Actions" was added to the definitions and largely removed from the procedures because most of the language was guidance and more appropriate to the Forest Service Handbook; • "Preliminary Environmental Impact Statement" was deleted from the definitions and procedures due to confusion surrounding intent and perceived requirements; • A sentence was added to the categories requiring a project file and decision memo to the effect that a plan approval document required by 36 CFR 219.7 satisfies the decision memo requirements of this part. • One class of actions normally requiring an EIS, "Other proposals to take major Federal actions that may significantly affect the quality of the human environment" was removed because it was not a class of actions and such actions would always require an EIS. • A provision for optionally describing the effects of no action in an EIS was removed because of confusion surrounding perceived requirements and perceived conflicts with CEQ regulations.

Priority: Other Significant
 Major: No
 CFR Citation: 36 CFR 220 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: 40 CFR 1507.3
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	08/16/2007	72 FR 45998
NPRM Comment Period End	10/15/2007	
Final Action	07/24/2008	73 FR 43084

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.fs.fed.us/emc/nepaPublic Comment URL: nepa_procedures/index.htm

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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC54

 [View Related Documents](#)

Title: Sensitive Species and Endangered Species Act Consultation for Land Management Plans (Forest Service Manual 2670)

Abstract: The Forest Service needs to issue an interim directive to clarify sensitive species and Endangered Species Act consultation management with the 2008 Planning Rule prior to the approval of the first Forest Land Management Plan (LMP) under the 2008 National Forest Management Act (NFMA) Planning Rule. The Agency anticipates that the first LMP will be approved in summer of 2008. 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 2008 National Forest Management Act (NFMA) Planning Rule. The interim directive would describe changes necessary because of the different mechanisms and procedures in the 2008 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 2008 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 2008 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 2008 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 2008 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 2008 NFMA planning regulations and a better field understanding of applicable policies on these topics.

Priority: Substantive, Nonsignificant
 Major: No
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 16 USC 1531 et seq
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Proposed Interim Directive	05/30/2008	
Interim Directive	08/08/2008	73 FR 46242

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Agriculture (USDA)

Forest Service (FS)

RIN: 0596-AC55

 [View Related Documents](#)

Title: Threatened, Endangered, and Sensitive Species, Habitat Management and Biodiversity Conservation (Proposed Directive, FSM 2670)

Abstract: The changes proposed to FSM 2670, Threatened, Endangered, and Sensitive Plants and Animals, would set forth direction to ensure compliance with existing laws, regulations, and agency policies and reflect current conservation biology, knowledge, management practices, and emerging ecosystem and TES species-related topics and issues. These changes are expected to provide more effective implementation of the Endangered Species Act, the 1982 NFMA planning regulations, and Agency strategies and policies for at-risk species and their habitats. Justification for Proposed Action: (Market Failure or Other Problem Addressed, Objectives, Alternatives, Expected Results): This amendment is needed to: --Improve guidance for forest plan compliance with the National Forest Management Act (NFMA) implementing regulations for ecosystem and species conservation. --Guide project level effects analysis and documentation for TES species. --Modify objectives and policies for TES species and habitat conservation. --Correct several definitions related to TES species and habitat conservation. --Revise direction for Sensitive Species management. --Update direction on the recovery of T&E species and streamline consultation. -- Incorporate new analysis principles of ecological risk assessment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 16 USC 1531

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/05/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No
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Department of Agriculture (USDA)
 Forest Service (FS)

RIN: 0596-AC62

 [View Related Documents](#)

Title: Special Areas; State-Specific Inventoried Roadless Area Management: Idaho

Abstract: The Forest Service is ready to finalize the State Specific Inventoried Roadless Area Management for the State of Idaho. The proposed rule was published in the Federal Register on January 7, 2008 (73 FR 1136). The comment period ended on April 7, 2008. During the comment period a substantial number of comments were received. The comments covered a wide range of topics and were both favorable and opposed to the rule. The comments are addressed in the Final Environmental Impact Statement and in the final rule. The proposed rule sought comment on phosphate mining, significant risk situations based around wildfire threats to communities in municipal water supplies, and change clause (mechanism for making non-significant changes to the rule that do not require rulemaking). The final rule is being changed in response to public comment and recommendations from the Secretary's Roadless Area Conservation national Advisory Committee (RACNAC) on these issues. Other changes to the rule are being made for boundary adjustment requests and other clarifications. At the proposed rule state, OMB informed the agency that any state specific roadless rule is significant. Therefore, the Agency is moving forward with this final rule being significant. A final EIS is being prepared for this rule. 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 be allowed for certain health, safety, valid existing rights, resource protection, and ecological management needs. Web site: <http://roadless.fs.fed.us>

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 36 CFR 294 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 553(e); 7 CFR 1.28

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/07/2008	73 FR 1135
NPRM Comment Period End	04/07/2008	
Final Action Effective	10/16/2008	
Final Action	10/16/2008	73 FR 61456

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State; Tribal

Federalism: No

Energy Affected: No

RIN Information URL: roadless.fs.fed.us

Related RINs: Related to 0596-AC58; Related to 0596-AC59; Related to 0596-AC60
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