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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-91-329]

United States Standards for Grades of Frozen Cauliflower

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the current voluntary U.S. Standards for Grades of Frozen Cauliflower. This rule was developed by the Department of Agriculture (USDA) at the request of the American Frozen Food Institute (AFFI) and the National Food Processors Association (NFPA). Its effect will be to improve the standards by: bringing the standards in line with current marketing practices and innovations in processing techniques; providing for the "individual attributes" procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects) being published in the standards; replacing dual grade nomenclature with single letter grade designations, such as "U.S. Grade A" or "U.S. Fancy," with "U.S. Grade A;" and providing a uniform format consistent with other recently revised U.S. grade standards by adopting definitions for terms and replacing textual descriptions with easy-to-read tables. This rule also includes conforming and editorial changes.

EFFECTIVE DATE: September 26, 1996.

FOR FURTHER INFORMATION CONTACT: James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 0709, South Building, Washington, DC 20090-6456, Telephone: (202) 720-4693.

SUPPLEMENTARY INFORMATION: The USDA is issuing this rule in conformance with Executive Order 12866.

Pursuant to the requirements set forth in the Regulatory Flexibility Act, (5 U.S.C. 601 et seq.), the Agricultural Marketing Service, has considered the economic impact on small entities.

The Agricultural Marketing Service (AMS) has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. The proposed changes reflect current marketing practices. The use of these standards is voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect.

This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Agencies periodically review existing regulations. An objective of the regulatory review is to ensure that the grade standards are serving their intended purpose, the language is clear, and the standards are consistent with AMS policy and authority.

The Western Technical Advisory Committee of the American Frozen Food Institute (AFFI) and the USDA Grade Standards Review Subcommittee of the National Food Processors Association (NFPA), requested that the USDA prepare a draft revision of the U.S. grade standards for frozen cauliflower in 1992. They requested that the draft allow for the use of mechanical trimming devices in cauliflower processing by de-emphasizing the importance of uniform shape and symmetry of cauliflower clusters in the standards because mechanical trimmers now perform processing operations previously done by hand. The mechanical trimming devices produce clusters which are less uniform in size, shape, and symmetry and remove, partially or completely, the bud portion of the unit. The absence of a uniform shape does not significantly affect the eating quality or nutritional value of frozen cauliflower.

They also requested that the revised standards assign individual tolerances to each individual quality factor. The system of grading, referred to as "individual attributes," will provide statistically derived acceptable quality levels (AQL's) based on the tolerances in the current grade standards.

The discussion draft incorporated the changes recommended by AFFI and NFPA. The draft also incorporated USDA's policy of replacing dual grade nomenclature with single letter grade designations.

In the revision, "U.S. Grade A" (or "U.S. Fancy") and "U.S. Grade B" (or "U.S. Extra Standard") will have simply become "U.S. Grade A," and "U.S. Grade B."

The USDA prepared a discussion draft, incorporating the requested and editorial changes, and submitted it to AFFI and NFPA for comment. Minor changes were recommended for the draft revision.

In addition to these changes, the revision will modify the standards to present them in a simplified easy-to-use format. Consistent with recent revisions of other U.S. grade standards, definitions of terms and easy-to-read tables will replace the textual descriptions. These changes were intended to facilitate better understanding and more uniform application of the grade standards.

Proposed Rule

A proposed rule to revise the U.S. Standards for Grades of Frozen Cauliflower was published in the Federal Register on November 24, 1995 (60 FR 57958). A proposal to revise the U.S. Standards for Grades of Frozen Cauliflower was previously published in the Federal Register on January 11, 1993 (58 FR 3816). A reopening and extension of the comment period to December 31, 1993, for the at proposal was published in the Federal Register on May 25, 1993 (58 FR 29985).

There were no public comments received during the comment period for the first proposal. However, USDA received comments from Patterson Frozen Foods, Inc. and AFFI regarding the proposal, after the extended comment period closed.

The two commenters suggested that the style name "Nuggets or Small Clusters" should be used instead of "Clusters for Limited Use" due to the terms familiarity in the industry and the

marketplace. USDA agreed with the comment to change in style names to incorporate familiar names.

Both commenting parties requested a change in the proposed method of determining style in frozen cauliflower and the requirements. Both agreed that the method for determining style should be based on "weight" instead of "count" and Patterson Frozen Foods also suggested that the six millimeter minimum requirement for "Nuggets or Small Clusters" style be removed since there is no maximum size requirement for "Clusters" style.

Both parties suggested that determining "style" by "weight" instead of by "count" will make the standards more compatible with the industry's practice of using mechanical trimming devices which produce clusters that are less uniform in size, shape, and symmetry.

USDA conducted a study using imported and domestic samples in 10, 16, 20, 32 and 35 ounce package sizes to determine the average counts and weights of cauliflower clusters.

Based on the information collected, USDA agreed with the suggested change to determine style "by weight" instead of "by count" for "Clusters Style" and with the recommended tolerance of 10 percent by weight to better reflect industry practices.

USDA disagreed with the elimination of the minimum size requirement in "Nuggets or Small Clusters" style. The prerequisite of "appearance" was incorporated into the reproposal to maintain present tolerances for small pieces of cauliflower (chaff) that affect the appearance and edibility of "Nuggets or Small Clusters" and "Clusters" style cauliflower. A definition for "chaff" was also incorporated into the reproposal.

The study conducted by USDA showed that the average unit weight of "Nuggets or Small Clusters" was closer to two grams per unit than to three grams per unit as published in the initial proposal. The AQL's and acceptance numbers in Table II were adjusted to reflect the finding.

AFFI and Patterson Frozen Foods asked that the definitions for "ricey" and "fuzzy" character in the current standards be retained in the revision. USDA agreed that maintaining the same definitions for "ricey" and "fuzzy" will reduce confusion within the industry. It was also requested that the term "mushy" character should be deleted and that its definition be incorporated into the definition for "soft" character. The industry believed this change will be less confusing and more accurate. USDA agreed and made these changes

to clarify the standards based on industry practices.

A change in the definition of "color defect" was recommended by the commenters. It was suggested that a definition differentiating "minor" and "major" color defects based on existing USDA inspection criteria should be incorporated into the "color defect" definition of the revision. USDA agreed with the change and incorporated it. The incorporated changes from the inspection criteria will accurately reflect the method used in the food industry to evaluate color defects.

Minor changes were suggested for the definitions of the terms "blemished, fragments, and mechanical damage" to help clarify their meaning. Both commenters suggested the term "discoloration" should be removed from the definition of "blemished," and the phrase, "in the aggregate," should be added to the "minor blemished and major blemished" definition.

AFFI and Patterson Frozen Foods also suggested that the words "tough or fibrous" should be added to the definition of "fragments" and the words "seriously" and "excessive or" should be deleted from the definition of "mechanical damage." USDA agreed with these changes and incorporated them into the revision.

It was requested that the classified quality factor, "mushy character," should be deleted from the standards since its definition has been incorporated into the definition of "soft character." The USDA deleted the classified quality factor for "mushy character" and adjusted the tolerance for the quality factor, "soft character" to reflect the change.

Changes in the tolerances of several "classified quality factors" were suggested. For the quality factor of "ricey character," tolerances of 15 percent for "Grade A" and 30 percent for "Grade B" were preferred by AFFI and Patterson Frozen Foods because this defect is more common and less objectionable. For "soft character", a tolerance of 5 percent rather than 10 percent was preferred because it is more preventable and more objectionable. The USDA has adjusted the tolerances for "soft character" and "ricey character" and incorporated them into the revision.

It was suggested that the quality factor of "color defect" be divided into "major color defects" and "total color defects." The comments suggested tolerances for the new factors should reflect this change with 3 percent for "major" and 8 percent for "total." We agreed with the changes in the quality factor for color defects and with the 8 percent

tolerance for "total color defects." We did not agree, however, with the change in the tolerance for "major color defects." Such a change will present a significant deviation from the tolerance in the existing U.S. Standards for Grades of Frozen Cauliflower without valid justification as to why it should be changed.

It was also suggested that the tolerance for mechanical damage, in Nuggets style, should be increased to 10 percent for "Grade A" and 20 percent for "Grade B" to better reflect the use of mechanical trimming devices. USDA agreed with this change and incorporated it in the revision.

A copy of the initial proposed rule was provided to the Agricultural Research Service (ARS) for help in identifying studies, data collection or other information relevant to the possible effect of the revision on pesticide use. ARS reported that they were unable to find much information on the subject. The information that was found by ARS proved not to be relevant.

The changes and issues raised by the comments regarding the first proposed rule supported publishing another proposed rule that was published in the Federal Register (60 FR 57958) on November 24, 1995, with a 60 day comment period. In response to that proposed rule the only comment received was from AFFI, which agreed with this revision. Accordingly, this final rule will modify the standards to a simplified easy-to-use format, consistent with recent revisions of other U.S. grade standards, with definitions of terms and easy-to-read tables that will replace the textual descriptions. This final rule is intended to facilitate better understanding and more uniform application of the grade standards.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and record keeping requirements, Vegetables.

For the reasons set forth in the preamble, 7 CFR part 52 is amended to read as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS¹

1. The authority citation for part 52 is revised to read as follows:

¹ Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups,

Authority: 7 U.S.C. 1621–1627.

2. In part 52, Subpart—United States Standards for Grades of Frozen Cauliflower, is revised to read as follows:

Subpart—United States Standards for Grades of Frozen Cauliflower

Sec.

- 52.721 Product description.
- 52.722 Styles.
- 52.723 Requirements for style.
- 52.724 Definitions of terms.
- 52.725 Grades.
- 52.726 Factors of quality.
- 52.727 Requirements for classified quality factors.
- 52.728 Sample size.
- 52.729 Acceptance criteria.

Subpart—United States Standards for Grades of Frozen Cauliflower

§ 52.721 Product description.

Frozen cauliflower is prepared from fresh flower heads of the cauliflower plant (*Brassica oleracea botrytis*) by trimming, washing, and blanching and is frozen and maintained at temperatures necessary for preservation of the product.

§ 52.722 Styles.

(a) *Clusters* mean individual segments of trimmed and cored cauliflower heads, which measure not less than 20 mm (0.75 in) in the greatest dimension across the top of the unit.

(b) *Nuggets or Small Clusters* mean individual segments of trimmed and cored cauliflower heads, which measure from 6 mm (0.25 in) to less than 20 mm (0.75 in) in the greatest dimension across the top of the unit.

§ 52.723 Requirements for style.

(a) *Clusters style*. A maximum of 10%, by weight, of clusters less than 20 mm (0.75 in) in the greatest dimension across the top of the unit are allowed.

(b) *Nuggets style*. A maximum of 20%, by weight, of clusters, 20 mm (0.75 in) or greater, and a maximum of 10%, by weight, of clusters less than 6 mm (0.25 in) in the greatest dimension across the top of the unit are allowed.

§ 52.724 Definitions of terms.

(a) *Acceptable quality level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Appearance. Good appearance* means that the overall appearance or edibility of the cauliflower is not

materially affected and; for clusters style, a maximum of 5%, by weight, of chaff is allowed for the sample unit. For nuggets style, a maximum of 10%, by weight, of chaff is allowed for the sample unit.

(c) *Blemished* means the cluster is affected or damaged by pathological injury, insect injury, or any other injury, which singly or in combination, affects the appearance or eating quality of the unit.

(1) *Minor blemished* means a unit with a dark blemish(s), which in the aggregate, exceeds the area of a circle 4 mm (0.16 in) in diameter but not 6 mm (0.25 in) or a light blemish(s), which in the aggregate, exceeds the area of a circle 6 mm (0.25 in) in diameter.

(2) *Major blemished* means a unit with a dark blemish(s), which in the aggregate, exceeds the area of a circle 6 mm (0.25 in) in diameter.

(d) *Chaff* mean individual segments of trimmed and cored cauliflower material, with and without head material, which measure less than 6 mm (0.25 in) in its greatest dimension.

(e) *Character* means the extent of firmness and compactness of the cluster and its degree of freedom from fuzzy, ricey and soft units.

(1) *Fuzzy character* means a cluster with sections of head that have elongated individual flowers (or pedicels) that result in a very fuzzy appearance.

(2) *Ricey character* means a cluster with sections of head on which the ultimate branches have become elongated, causing the flower clusters to separate and present a loose or open and sometimes granular appearance.

(3) *Soft character* means a cluster that is limp and flabby and the flesh yields readily when handled.

(f) *Color defect*.

(1) *Minor* means that after cooking, the cluster possesses a color that is more than slightly darker than light cream to dark cream.

(2) *Major* means that after cooking, the cluster possesses a color that is seriously darkened or discolored.

(g) *Core material* means the loose or attached center portion of the cauliflower head which is tough or fibrous.

(h) *Defect* means any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(i) *Fragment* means a stem or other cauliflower material without head material that is 6 mm (0.25 in) or greater in the greatest dimension (excluding tough or fibrous core material, loose leaves, and chaff).

(j) *Loose leaves* mean leaf material, exclusive of small tender leaves, that are detached from the stem.

(k) *Mechanical damage* means that the appearance of the unit is affected by trimming, or the unit is crushed or broken to the extent that the appearance is materially affected.

(l) *Normal flavor and odor* means that the cauliflower, before and after cooking, has a flavor and odor that is normal and is free from objectionable flavors and odors.

(m) *Sample unit* means the amount of product specified to be used for grading. For varietal characteristics, flavor and odor and appearance, a sample unit is the entire container. For blemishes, character, color, core material, fragments, mechanical damage and loose leaves, a sample unit is 100 grams for Nuggets Style and 50 units for Clusters Style. It may be:

- (1) The entire contents of a container;
- (2) A portion of the contents of a container; or
- (3) A combination of the contents of two or more containers.

(n) *Tolerance (TOL.)* means the percentage of defective units allowed for each quality factor for a specific sample size.

(o) *Unit* means one cluster or piece of cauliflower.

§ 52.725 Grades.

(a) *U.S. Grade A* is the quality of frozen cauliflower that meets the following prerequisites in which the cauliflower:

- (1) Has similar varietal characteristics;
- (2) Has a normal flavor and odor;
- (3) Has a good appearance; and
- (4) Is within the limits for defects as specified in Tables I and II, of this subpart, as applicable for the style in § 52.727.

(b) *U.S. Grade B* is the quality of frozen cauliflower that meets the following prerequisites in which the cauliflower:

- (1) Has similar varietal characteristics;
- (2) Has a normal flavor and odor;
- (3) Has a good appearance; and
- (4) Is within the limits for defects as specified in Tables I and II, of this subpart as applicable for the style in § 52.727.

(c) *Substandard* is the quality of frozen cauliflower that fails to meet the requirements of U.S. Grade B.

§ 52.726 Factors of quality.

The grade of frozen cauliflower is based on meeting the requirements for the following factors:

- (a) Prerequisites;
 - (1) Varietal characteristics;
 - (2) Flavor and odor; and

(3) Appearance.	(4) Ricey character;	(9) Fragments;
(b) Classified Quality Factors;	(5) Soft character;	(10) Loose leaves; and
(1) Major blemished;	(6) Major color defects;	(11) Mechanical damage.
(2) Total blemished (Major and Minor);	(7) Total color defects (Major and Minor);	
(3) Fuzzy character;	(8) Core material;	

§ 52.727 Requirements for classified quality factors.

TABLE I.—AQL'S AND TOLERANCES (TOL.) FOR DEFECTS IN CLUSTERS STYLE BASED ON 50 UNITS OF PRODUCT FOR 13 SAMPLE UNITS, 50×13=650 UNITS

Sample Units × Sample Unit Size			1×50	3×50	6×50	13×50	21×50	29×50
Units of Product			50	150	300	650	1050	1450
Defects	AQL	TOL						
Grade A			Acceptance numbers					
Major Blemished	3.8	5.0	4	9	17	33	50	67
Total Blemished (Major & Minor)	8.2	10.0	7	18	33	65	101	137
Fuzzy Character	1.3	2.0	2	4	7	13	20	26
Ricey Character	8.2	10.0	7	18	33	65	101	137
Soft Character	0.612	1.0	1	2	4	7	10	14
Major Color Defect	0.612	1.0	1	2	4	7	10	14
Total Color Defect (Major & Minor)	6.4	8.0	6	15	26	52	80	108
Core Material	2.17	3.0	3	6	11	20	31	41
Fragments	3.8	5.0	4	9	17	33	50	67
Mechanical Damage	8.2	10.0	7	18	33	65	101	137
Loose Leaves (each piece)	2.17	3.0	3	6	11	20	31	41
Grade B			Acceptance numbers					
Major Blemished	8.2	10.0	7	18	33	65	101	137
Total Blemished (Major & Minor)	13.0	15.0	10	26	48	98	154	209
Fuzzy Character	6.4	8.0	6	15	26	52	80	108
Ricey Character	13.0	15.0	10	26	48	98	154	209
Soft Character	2.9	4.0	3	8	13	26	39	53
Major Color Defect	3.8	5.0	4	9	17	33	50	67
Total Color Defect (Major & Minor)	13.8	16.0	11	27	51	104	163	221
Core Material	3.8	5.0	4	9	17	33	50	67
Fragments	8.2	10.0	7	18	33	65	101	137
Mechanical Damage	17.6	20.0	13	34	63	130	205	279
Loose Leaves (each piece)	6.4	8.0	6	15	26	52	80	108

TABLE II.—AQL'S AND TOLERANCES (TOL.) FOR DEFECTS IN NUGGETS OR SMALL CLUSTERS STYLE BASED ON 100 GRAMS OF PRODUCT FOR 13 SAMPLE UNITS, 100×13=1300 UNITS

Sample Units × Sample Unit Size			1×100	3×100	6×100	13×100	21×100	29×100
Grams of Product			100	300	600	1300	2100	2900
Defects	AQL	TOL						
Grade A			Acceptance numbers (grams)					
Major Blemished	3.8	5.0	7	17	31	61	94	127
Total Blemished (Major & Minor)	8.2	10.0	13	33	61	123	194	263
Fuzzy Character	1.3	2.0	3	7	12	23	36	48
Ricey Character	8.2	10.0	13	33	61	123	194	263
Soft Character	0.612	1.0	2	4	7	12	19	24
Major Color Defect	2.17	3.0	4	11	19	37	56	76
Total Color Defect (Major & Minor)	8.2	10.0	13	33	61	123	194	263
Core Material	2.17	3.0	4	11	19	37	56	76
Fragments	3.8	5.0	7	17	31	61	94	127
Mechanical Damage	8.2	10.0	13	33	61	123	194	263
Loose Leaves (each piece)	3.8	5.0	7	17	31	61	94	127
Grade B			Acceptance numbers (grams)					
Major Blemished	8.2	10.0	13	33	61	123	194	263
Total Blemished (Major & Minor)	13.0	15.0	18	48	91	189	298	407
Fuzzy Character	6.4	8.0	10	26	48	98	153	208
Ricey Character	13.0	15.0	18	48	91	189	298	407
Soft Character	2.9	4.0	6	13	24	48	74	99
Major Color Defect	6.4	8.0	10	26	48	98	153	208

Total Color Defect (Major & Minor)	13.8	16.0	19	51	96	200	316	430
Core Material	2.17	3.0	4	11	19	37	56	76
Fragments	3.8	5.0	7	17	31	61	94	127
Mechanical Damage	17.6	20.0	24	63	121	251	398	544
Loose Leaves (each piece)	6.4	8.0	10	26	48	98	153	208

§ 52.728 Sample size.

The sample size used to determine whether the requirements of these standards are met shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Products" (7 CFR 52.1 through 52.83).

§ 52.729 Acceptance criteria.

(a) *Style*. A lot of frozen cauliflower, is considered as meeting the requirements for style if the requirements in § 52.723, as applicable, are not exceeded.

(b) *Quality Factors*. A lot of frozen cauliflower is considered as meeting the requirements for quality if:

(1) The prerequisites specified in § 52.726 are met; and

(2) The Acceptance Numbers in Table I or II in § 52.727, as applicable, are not exceeded.

(c) *Single Sample Unit*. Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting requirements for quality and style if:

(1) The prerequisites specified in § 52.726 are met; and

(2) The requirements for style in § 52.723 and the Acceptable Quality Levels (AQL's) in Tables I & II in § 52.727, as applicable, are not exceeded.

Dated: August 21, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-21783 Filed 8-26-96; 8:45 am]

BILLING CODE 3410-02-P

Farm Service Agency**Commodity Credit Corporation****7 CFR Parts 704 and 1410**

RIN 0560-AE84

1986-1990 Conservation Reserve Program; 1991-2002 Conservation Reserve Program

AGENCY: Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule modifies provisions for the Conservation Reserve

Program (CRP) which were addressed in rules published on May 8, 1995 (60 FR 22456) and March 15, 1996 (61 FR 10671) concerning the opportunity for early release of certain acreage from the CRP. The modifications reflect new provisions enacted in the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act). This rule also sets out other modifications to reflect new provisions in the 1996 Act and to make technical corrections and other minor modifications to the rule. These additional modifications include: revisions of the "contour grass strip" and "filterstrip" definitions to remove size limitations; a correction of a landlord-tenant reference in the rule; a reassignment of provisions dealing with the preservation of cropland bases; and technical changes to reflect a Department of Agriculture (USDA) reorganization. Further, this rule also updates the base period for the cropping history needed to enter cropland into the CRP.

DATES: This rule is effective August 27, 1996. Comments concerning this rule should be received by October 28, 1996, to be assured consideration.

ADDRESSES: Comments and requests for additional information should be directed to Cheryl Zavodny, Conservation and Environmental Protection Division, FSA, P.O. Box 2415, STOP Box 0513, Room 4768-S, Washington, DC 20013-2415, telephone 202-720-7333.

FOR FURTHER INFORMATION CONTACT: Cheryl Zavodny, (202) 720-7333.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This interim rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule because neither FSA nor the Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this rule

does not have a significant impact on the environmental, historical, social or economic resources of the Nation. Therefore, it has been determined that these actions will not require an Environmental Assessment or an Environmental Impact Statement.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Federal Domestic Assistance Program

The title and number of the Federal Domestic Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, is the Conservation Program-10.069.

Paperwork Reduction Act

The previous information collection under OMB control number 0560-0125 has been reinstated with changes and has received emergency clearance. A regular information collection submission will be submitted pursuant to the Paperwork Reduction Act of 1995.

Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this rule are not retroactive and preempt State and local laws to the extent such laws are inconsistent with the provisions of this rule. Before any action may be brought in a Federal court of competent jurisdiction, the administrative appeal rights afforded program participants at 7 CFR parts 11, 624, and 780 must be exhausted.

Background

Current regulations in 7 CFR part 704 and 7 CFR part 1410 implement the CRP, which was first authorized by Title XII of the Food Security Act of 1985 (1985 Act). Acreage enrolled in signups held from 1986 through 1990 are controlled by regulations in 7 CFR part 704 whereas acreage enrolled in subsequent signups is controlled under part 1410. In the CRP, the CCC pays owners and operators of highly erodible and other environmentally sensitive cropland to convert the land to a