

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Chapters I, IX, X, and XI

[Doc. # L&RRS-01-01]

Regulatory Flexibility Act: Plan for Periodic Review of Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Schedule for review of agency regulations.

SUMMARY: The Agricultural Marketing Service (AMS) is publishing this plan for the review of its regulations under the Regulatory Flexibility Act (RFA). AMS has included in this plan all regulations that warrant periodic review irrespective of whether specific regulations meet the threshold requirement for mandatory review established by the RFA. The identified rules will be reviewed as indicated during the next ten years.

FOR FURTHER INFORMATION CONTACT: Christine M. Sarcone, Director, Legislative and Regulatory Review Staff, AMS, USDA, P.O. Box 96456, Room 3510-South, Washington, D.C. 20090-6456; telephone: (202) 720-3203; fax: (202) 690-3767.

SUPPLEMENTARY INFORMATION:

Background

Sec. 610 of the RFA (5 U.S.C. 610) requires agencies to review all regulations on a periodic basis that have or will have a significant economic

impact on a substantial number of small entities. Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which although they may not meet the threshold requirement under Sec. 610 of the RFA (5 U.S.C. 610) merit review.

This document updates the original plan which was published on February 18, 1999 (64 FR 8014). Since then, two reviews have been completed and summaries of the results published in the **Federal Register**—(1) California Olives, (7 CFR part 932), March 27, 2001 (66 FR 16593); and (2) Federal Seed Act Regulations, (7 CFR part 201), March 22, 2001 (66 FR 16015). Copies of these two completed reviews can be obtained from the Legislative and Regulatory Review Staff at the telephone number provided in the **FOR FURTHER INFORMATION CONTACT** section of this document. In addition, two other reviews have been completed with summaries of the results to be published in the **Federal Register** in the near future—(1) Watermelon Research and Promotion Program (7 CFR part 1210); and (2) Irish Potatoes Grown in Certain Designated Counties in ID, and Malheur County, OR (7 CFR part 945).

In the 1999 review plan, AMS stated that reviews for the Dairy Promotion Program, Potato Research and Promotion, Egg Research and Promotion, and Pork Promotion, Research and Consumer Information regulations would be conducted in calendar year 2001; however, it was determined that completion of such reviews was not feasible by the established dates, therefore, review of the regulations has been delayed until year 2002. In addition, a request for comments was published in the **Federal Register** on June 13, 2001, (66 FR 31850) for Almonds Grown in California (7 CFR part 981). However, completion of this

review also has been delayed until year 2002.

AMS also stated that it would announce regulations to be reviewed in the semi-annual regulatory agenda which is published in the **Federal Register**; however, after further consideration, the agency has decided that it would announce the reviews in the **Federal Register** separate from the semi-annual regulatory agenda. AMS plans now to publish in the year the regulations are scheduled for review a **Federal Register** document announcing the review. At that time, a contact person will be identified to whom comments may be submitted concerning the review.

The purpose of each review will be to determine whether the rules should be continued without change, or should be amended or rescinded (consistent with the objectives of applicable statutes) to minimize impacts on small businesses. In reviewing its rules the AMS will consider the following factors:

(1) The continued need for the rule;
(2) The nature of complaints or comments from the public concerning the rule;

(3) The complexity of the rule;
(4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with state and local regulations; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

The attached document announces the revised schedule for reviewing the agency's regulations.

Dated: December 27, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

AGRICULTURAL MARKETING SERVICE 10-YEAR REVIEW PLAN FOR REGULATIONS IDENTIFIED FOR SECTION 610 REVIEW REGULATORY FLEXIBILITY ACT

CFR part & authority	AMS program/regulation	Year implemented	Year for review
7 part 46; 7 U.S.C. 499a-499t	Perishable Agricultural Commodities Act, 1930	*1930	2008
7 part 110; 7 U.S.C. 136i-1	Pesticide Recordkeeping	1993	2003
7 part 205; 7 U.S.C. 6501-6522	National Organic Program	2000	2010
7 part 905; 7 U.S.C. 601-674	Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida	1939	2007
7 part 916; 7 U.S.C. 601-674	Nectarines Grown in California	1958	2003
7 part 917; 7 U.S.C. 601-674	Fresh Pears and Peaches Grown in California	1939	2003

**AGRICULTURAL MARKETING SERVICE 10-YEAR REVIEW PLAN FOR REGULATIONS IDENTIFIED FOR SECTION 610 REVIEW
REGULATORY FLEXIBILITY ACT—Continued**

CFR part & authority	AMS program/regulation	Year implemented	Year for review
7 part 923; 7 U.S.C. 601–674	Sweet Cherries Grown in Designated Counties in Washington.	1957	2007
7 part 925; 7 U.S.C. 601–674	Grapes Grown in a Designated Area of Southeastern California.	1980	2006
7 part 927; 7 U.S.C. 601–674	Winter Pears Grown in Oregon and Washington	1939	2003
7 part 929; 7 U.S.C. 601–674	Cranberries Grown in States of Massachusetts, Rhode Island, etc..	1962	2003
7 Part 930; 7 U.S.C. 601–674	Tart Cherries Grown in MI, NY, PA, OR, UT, WA & WI.	1996	2006
7 part 948; 7 U.S.C. 601–674	Irish Potatoes Grown in Colorado	1941	2006
7 part 966; 7 U.S.C. 601–674	Tomatoes Grown in Florida	1955	2002
7 part 981; 7 U.S.C. 601–674	Almonds Grown in California	1950	2002
7 part 984; 7 U.S.C. 601–674	Walnuts Grown in California	1948	2008
7 part 989; 7 U.S.C. 601–674	Raisins Produced from Grapes Grown in California	1949	2004
7 part 993; 7 U.S.C. 601–674	Dried Prunes Produced in California	1949	2002
7 part 998; 7 U.S.C. 601–674	Marketing Agreement Regulating the Quality of Domestically Produced Peanuts.	1965	2005
7 Parts 1000–1139; 7 U.S.C. 601–674	Federal Milk Marketing Orders	1999	2009
7 part 1150; 7 U.S.C. 4501–4514	Dairy Promotion Program	1984	2002
7 part 1160; 7 U.S.C. 6401–6417	Fluid Milk Promotion Program	1993	2003
7 part 1205; 7 U.S.C. 2101–2118	Cotton Research and Promotion	1996	2002
7 part 1207; 7 U.S.C. 2611–2627	Potato Research and Promotion	1972	2002
7 part 1209; 7 U.S.C. 6101–6112	Mushroom Promotion, Research and Consumer Information Order.	1993	2004
7 part 1215; 7 U.S.C. 7481–7491	Popcorn Promotion, Research and Consumer Information.	1997	2007
7 part 1216; 7 U.S.C. 7401–7425	Peanut Promotion, Research, and Information Order	1999	2009
7 part 1218; 7 U.S.C. 7401–7425	Blueberry Promotion, Research, and Information Order.	2000	2010
7 part 1220; 7 U.S.C. 6301–6311	Soybean Promotion, Research and Consumer Information.	1991	2003
7 part 1230; 7 U.S.C. 4801–4819	Pork Promotion, Research, and Consumer Information.	1986	2002
7 part 1240; 7 U.S.C. 4601–4612	Honey Research, Promotion, and Consumer Information Order.	1987	2002
7 part 1250; 7 U.S.C. 2701–2718	Egg Research and Promotion	1976	2002
7 part 1260; 7 U.S.C. 2901–2911	Beef Promotion and Research	1986	2003

*Regs. Amended 1997.

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AG51

Tobacco Marketing Quotas, Acreage Allotments and Production Adjustment

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would amend the tobacco marketing quota regulations by making it a requirement that burley tobacco producers designate the specific warehouse, dealer or receiving station at which they will sell their tobacco in order to qualify for

price support and marketing cards. The tobacco marketing quota regulations currently require that only flue-cured tobacco producers, as a condition of price-support, designate the warehouses at which they will market their tobacco and the amounts to be marketed at each designated location. These amendments will provide warehouse operators, the Agriculture Marketing Service (AMS) and others accurate information when planning for a tobacco auction marketing year.

DATES: Comments concerning the contents of the proposed rule must be submitted by January 22, 2002, to be assured of consideration. Comments concerning the information collection must be submitted by March 5, 2002.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to Director, Tobacco and Peanuts Division, FSA, USDA, 1400 Independence Avenue, SW., room

5750–S, STOP 0514, Washington, DC 20250–0514; Fax: (202) 690–2298. All comments will be made available for public inspection in the Office of the Director during regular business hours.

FOR FURTHER INFORMATION CONTACT: Ann Wortham, Agricultural Program Specialist, Tobacco and Peanuts Division, United States Department of Agriculture (USDA), 1400 Independence Avenue, SW., STOP 0514, Washington, DC 20250–0514, telephone (202) 720–2715.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule is issued in conformance with Executive Order 12866 and has been determined to be significant and was reviewed by OMB.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any