

when the Plant Variety Protection Officers refuses an application for plant variety protection, the applicant may appeal to the Secretary of Agriculture. Effective December 1, 1977, the Secretary of Agriculture delegated authority to the Judicial Officer to exercise the functions of the Secretary of Agriculture where an appeal is filed under 7 U.S.C. 2443 (42 FR 61029). However, this delegation of authority is not reflected in the Code of Federal Regulations. Accordingly, this final rule amends 7 CFR 2.35 to reflect the Judicial Officer's authority to act as final deciding officer in appeals under section 63 of the Plant Variety Protection Act (7 U.S.C. 2443).

Pursuant to section 91 of the Plant Variety Protection Act, as amended (7 U.S.C. 2501), when a person notifies the Secretary of Agriculture of facts which may have a hearing on the protectability of a plant variety, the Secretary of Agriculture may cause the plant variety protection to be reexamined. This final rule delegates authority from the Secretary of Agriculture to the Judicial Officer to act as final deciding officer in reexamination proceedings under section 91 of the Plant Variety Protection Act, as amended (7 U.S.C. 2501).

Agricultural Adjustment Act of 1938

Pursuant to section 359i of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359ii), adversely affected persons may appeal allocations of marketing allotments and arbitrated disputes between processors and producers or groups of producers regarding the sharing of processors' allocations to the Secretary of Agriculture. This final rule delegates authority from the Secretary of Agriculture to the Judicial Officer to act as final deciding officer in adjudicatory proceedings under section 359i of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359ii), and to issue rules of practice applicable to proceedings conducted pursuant to section 359i of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359ii).

Agricultural Risk Protection Act of 2000

Sections 203(f) and 253 of the Agricultural Risk Protection Act of 2000 (Pub. L. 106-244) ("ARPA"), respectively, authorize programs for Apple Loans and Emergency Loans for Seed Producers. The delegations at 7 CFR 2.16 and 2.42 are amended to reflect the delegation of authority to administer these programs to the Under Secretary for Farm and Foreign

Agricultural Services and the Administrator of the Farm Service Agency.

The V of ARPA authorizes the Secretary of Agriculture to assess civil penalties not to exceed \$10,000 against any person who causes harm to, or interferes with, an animal used for official inspections by the Department of Agriculture, and to subpoena witnesses and the production of documentary evidence relating to matters under investigation. The delegations at 7 CFR 2.22, 2.80, and 371.3 are amended to reflect the delegation of this authority to the Under Secretary for Marketing and Regulatory Programs, the Administrator of APHIS, and the Deputy Administrator for Plant Protection and Quarantine.

Livestock Mandatory Reporting Act of 1999

The Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635-1636(h)) established a program requiring reporting of information regarding the marketing of cattle, swine, lambs, and products of such livestock in order to provide producers, packers, and others in the marketplace with information regarding pricing, contracting, and supply and demand conditions for livestock and livestock products. The delegations at 7 CFR 2.22 and 2.79 are amended to reflect the delegation of this authority to the Under Secretary for Marketing and Regulatory Programs and the Administrator of the Agricultural Marketing Service, respectively.

Hass Avocado Promotion, Research, and Consumer Information Act of 2000

The purpose of the Hass Avocado Promotion, Research, and Consumer Information Act of 2000 (7 U.S.C. 7801-7813) is to establish, through assessments on Hass avocados sold by producers and importers, a coordinated program of promotion, research, industry information, and consumer information to strengthen and expand the domestic market for Hass avocados. The delegations at 7 CFR 2.22 and 2.79 are amended to reflect the delegation of this authority to the Under Secretary for Marketing and Regulatory Programs and the Administrator of the Agricultural Marketing Service, respectively.

Office International des Epizooties (OIE)

The Office International des Epizooties (OIE) is the international forum for setting animal health standards, reporting global animal situations and disease status, and presenting guidelines and recommendations on sanitary measures

relating to animal health. The Trade Agreement Act of 1979, as amended (19 U.S.C. 2531 *et seq.*), gives the Secretary of Agriculture responsibilities related to international standards for agricultural products, which include animals and animal products. Further, section 491 of the Trade Agreement Act of 1979, as amended (19 U.S.C. 2578), requires the President to designate an agency to be responsible for informing the public of the sanitary and phytosanitary (SPS) standard-setting activities of each international standard-setting organization. The President, pursuant to Proclamation No. 6780 of March 23, 1995 (60 FR 15845), designated the Secretary of Agriculture as the official responsible for informing the public of the SPS standard-setting activities of certain international standard-setting organizations, including the OIE.

The delegations at 7 CFR 2.22 and 2.80 are amended to reflect the delegation of authority for carrying out responsibilities of the United States related to activities of the OIE to the Under Secretary for Marketing and Regulatory Programs and to the Administrator of APHIS. 7 CFR 371.4 is amended to reflect the delegation of this authority further from the Administrator of APHIS to the Deputy Administrator for Veterinary Services.

Watershed Protection and Flood Prevention Act

Section 313 of the Grain Standards and Warehouse Improvement Act of 2002, Public Law 106-472, added a new section 14 to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012) authorizing the Secretary to provide technical and financial assistance to sponsoring organizations to rehabilitate water resource projects owned and operated by the sponsors that were installed under programs administered by the Natural Resources Conservation Service. The delegations at 7 CFR 2.20 and 2.61 are amended to reflect the delegation of that authority by SM 1030-049 (January 16, 2002) to the Under Secretary for Natural Resources and Environment and the Chief, Natural Resources Conservation Service, respectively.

Miscellaneous

A number of miscellaneous minor changes have been made to the delegations for other reasons. The delegation of authority in 7 CFR 1.189 to take final action in matters covered by the Equal Access to Justice Act, 5 U.S.C. 504, is revised. The headings for 7 CFR part 2, subpart N, § 2.22, and § 2.80(a) are revised to reflect the change in the title of the policy official