

## CROSS REFERENCE—TRANSITION OF PART 3015—TRANSFERS AND DELETIONS—Continued

3015 Section—title	3016, 3019, 3020 Section—title
3015.203 Reserved .....	Deleted.
3015.204 Federal Register publications .....	3020.15 Program regulations and announcements.
3015.205 General provisions for grants and cooperative agreements with institutions of higher education, other non-profit organizations and hospitals.	3019.12 Forms for * * * assistance.
<b>Subpart V—Intergovernmental Review of Department of Agriculture Programs and Activities</b>	
3015.300 Purpose .....	3020.40 Purpose.
3015.301 Definitions .....	3020.50 Definitions and acronyms.
3015.302 Applicability .....	3020.42 USDA awarding agency responsibilities.
3015.303 Secretary's * * * responsibilities .....	3020.42 USDA awarding agency responsibilities.
3015.304 Federal interagency coordination .....	3020.43 Office of the Chief Financial Officer responsibilities.
3015.305 State selection of * * * activities .....	3020.41 State responsibilities.
3015.306 Communication with State and local elected officials .....	3020.42 USDA awarding agency responsibilities.
3015.307 State comments * * * development .....	3020.42 USDA awarding agency responsibilities.
	3020.44 Processing comments.
3015.308 Processing comments .....	3020.44 Processing comments.
3015.309 Accommodation of * * * concerns. ....	3020.45 Accommodation of * * * concerns
3015.310 Interstate situations .....	3020.42 USDA awarding agency responsibilities.
3015.311 Simplification * * * of State plans .....	3016.11 State plans.
	3020.46 State plans.
3015.312 Waivers .....	3020.47 Waivers.
Appendix A—Definitions .....	3016.3 Definitions.
	3019.2 Definitions.
	3020.50 Definitions and acronyms.
Appendix B—OMB Circular A-128 “Audits of State and Local Governments”.	Deleted. See 7 CFR part 3052 “Audits of States, Local Governments, and Non-profit Organizations”.

**Regulatory Impact Analysis***Executive Order 12866*

Executive Order 12866 requires that a regulatory impact analysis be prepared for “significant regulatory actions” which are defined in Executive Order 12866 as any rule that has an annual effect on the national economy of \$100 million or more or certain other specified effects.

USDA does not believe that the proposed rule will have an annual impact of \$100 million or more or any other effects listed in Executive Order 12866. For this reason, USDA has determined that this proposed rule is not a significant regulatory action within the meaning of Executive Order 12866.

*Executive Order 12988*

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The provisions of this proposed rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

*Executive Order 13132*

It has been determined that this proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this proposed rule will not have a

substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

USDA recognizes that the proposed rule has component language that may have some federalism impact. First, the proposed rule removes the existing regulatory language in 7 CFR part 3015 subpart V addressing Intergovernmental Review of Department of Agriculture Programs and Activities, and promulgates revised regulatory language at 7 CFR part 3020. As explained above, USDA consulted extensively with the active State Single Points of Contact throughout the drafting process. These consultations were conducted over an extended period of time and the various draft revisions of this section were circulated to all active SPOC States. This was followed by discussions with individual SPOCs and a final review session held at the 1999 National SPOC Network Conference held in Washington, DC. The proposed language reflects the ideas and comments presented by the SPOCs throughout this consultation process.

Second, the proposed rule also implements Executive Order 12803, “Infrastructure Privatization,” in § 3020.21, authorizing exceptions to the disposition requirements for infrastructure assets applicable to State, local, and Indian tribal government

recipients under 7 CFR part 3016. This proposed regulation essentially provides that such recipients may request a waiver in accordance with Executive Order 12803. USDA intends to incorporate, and not to alter, the provisions of Executive Order 12803 allowing for such waivers.

Implementation of Executive Order 12803 in the departmental regulations codifies the waiver policy, increasing the awareness of State, local, and Indian tribal governments of their ability to request such waivers. USDA considers the proposed rule to have minimal federalism implications, and those minimal implications to be positive because of the added flexibility and awareness of such flexibility in USDA relationships with State, local, and Indian tribal government recipients.

Finally, the rule proposes codification of the applicability of the current regulations at 7 CFR part 3016 to all USDA agreements, as defined in proposed § 3020.2, with State, local, and Indian tribal governments. USDA is not revising the substantive requirements of 7 CFR part 3016. USDA again considers the proposed rule to have minimal federalism implications because State governments are already subject to these requirements for assistance awards.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires that, for each