

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. No. L&RRS-03-01]

Regulatory Flexibility Act: 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.

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

SUPPLEMENTARY INFORMATION:

Background

Section 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 of 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.

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of each review will be to determine whether the rules should be continued without change, or should be amended or rescinded (consistent with the objectives of applicable statutes) to minimize impacts on small businesses.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 the 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.

This document updates the plan which was published on January 4, 2002 (67 FR 525). Part 998, Marketing Agreement Regulating the Quality of

Domestically Produced Peanuts, was removed from the plan because of the recently passed Farm Security and Rural Investment Act of 2002 which mandated that the program be terminated and a new program created. The new program, Minimum Quality and Handling Standards for Domestic and Imported Peanuts, along with several other new programs will be reviewed in 2010. Other changes have been made in the plan to space out the reviews to allow for better program administration. The results of reviews completed 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. The list of reviews completed include: (1) California Almonds, June 20, 2002 (67 FR 41816); (2) ID-E. Oregon Potatoes, May 28, 2002 (67 FR 36788); (3) California Olives, March 27, 2001 (66 FR 16593); and (4) Federal Seed Act Regulations, March 22, 2001 (66 FR 16015). AMS expects to publish summaries for Florida Tomatoes (Part 966), California Prunes (Part 993), and Watermelon Research and Promotion (1210) in the near future.

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

Dated: August 7, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

AGRICULTURAL MARKETING SERVICE REVIEW PLAN FOR REGULATIONS IDENTIFIED FOR SECTION 610 REVIEW, (CY 2003) REGULATORY FLEXIBILITY ACT

CFR part & authority	AMS program/regulation	Year implemented	Year for review
7 Part 46; Sec. 15, 46 Stat. 537; 7 U.S.C. 499o.	Perishable Agricultural Commodities Act, 1930	1930/Regs Amended 1997	2008
7 Part 110; 7 U.S.C. 136a(d)(1)(c), 136i-1, and 450; 7 Part 2.17, 2.50.	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
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	2005
7 Part 929; 7 U.S.C. 601-674	Cranberries Grown in States of Massachusetts, Rhode Island, etc	1962	2005
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	2003
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