

applications. In Subpart D of the rule, the process for selecting reviewers is described, and the evaluation criteria applied to applications are enumerated. Subpart D also contains a discussion of the measures employed by OEPNU to protect against conflicts of interest and safeguard applicant and reviewer confidentiality. General award administration guidelines are outlined in Subpart E. Subpart E also delineates the one-time requirement that applicants submit organizational management information and lists the minimum contents of the award document. The last subpart of the rule, Section F, includes supplementary information. This subpart tells grantees how they can obtain review information, what uses of funds and changes to projects are permissible, where they can find instructions about reporting requirements, and other Federal statutes and regulations that apply to the Biodiesel Fuel Education Program. It describes the process for handling confidential aspects of applications and awards and defines terms that are used elsewhere in the rule.

Paperwork Reduction Act of 1995—Information Collection

OEPNU currently is using the services of CSREES to administer this Program. CSREES obtained information collection approval for the "Generic Application Kit" (OMB Approval No. 0524-0039), which encompasses the use of required forms to administer another USDA agency's grant program. Should OEPNU decide to administer this Program directly in the future, OEPNU will comply independently with information collection requirements.

Regulatory Flexibility Act

USDA certifies that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Public Law 96-354, as amended (5 U.S.C. 601, *et seq.*) because it is a Federal assistance program, not a regulatory regime, and awards will be made to fewer than ten entities.

Executive Order 12866

This rule has been reviewed under Executive Order 12866 and has been determined to be nonsignificant as it will not create a serious inconsistency or otherwise interfere with an action planned by another agency; will not materially alter the budgetary impact of entitlement, grants, user fees, or loan programs, or rights and obligations of the recipients thereof; and will not raise novel legal or policy issues arising out

of legal mandates, the President's priorities, or principles set forth in this Executive Order. This rule will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health, or safety, or State, local, or tribal governments or communities.

Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Department assessed the effects of this rulemaking action on State, local, and Tribal government, and the public. This action does not compel the expenditure of \$100 million or more by any State, local, or Tribal governments, or anyone in the private sector. Therefore, a statement under section 202 of the Unfunded Mandates Reform Act of 1995 is not required.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (1) Does not have an annual effect on the economy of \$100 million or more;
- (2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and
- (3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with that Executive Order: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) no administrative proceedings are required before bringing any judicial action regarding this rule.

Executive Order 13132

In accordance with Executive Order 13132, this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The policies contained in this rule do not have any substantial direct effect on the policymaking discretion of the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule

impose substantial direct compliance costs on State and local governments.

Executive Order 12372

For the reasons set forth in the Final Rule Related Notice for 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. This program does not directly affect State and local governments.

Executive Order 13175

The policies contained in this rulemaking do not have tribal implications and thus no further action is required under Executive Order 13175.

List of Subjects in 7 CFR Part 2903

Agricultural commodities, Energy, Fuel, Fuel additives.

■ For the reasons set forth in the preamble, the Office of Energy Policy and New Uses amends title 7, subtitle B, chapter XXIX, of the Code of Federal Regulations by adding part 2903 to read as follows:

PART 2903—BIODIESEL FUEL EDUCATION PROGRAM

Subpart A—General Information

Sec.

- 2903.1 Applicability of regulations.
- 2903.2 Purpose of the program.
- 2903.3 Eligibility.
- 2903.4 Indirect costs.
- 2903.5 Matching requirements.

Subpart B—Program Description

- 2903.6 Project types.
- 2903.7 Project objectives.

Subpart C—Preparation of an Application

- 2903.8 Program application materials.
- 2903.9 Content of an application.
- 2903.10 Submission of an application.
- 2903.11 Acknowledgment of applications.

Subpart D—Application Review and Evaluation

- 2903.12 Application review.
- 2903.13 Evaluation criteria.
- 2903.14 Conflicts of interest and confidentiality.

Subpart E—Award Administration

- 2903.15 General.
- 2903.16 Organizational management information.
- 2903.17 Award document and notice of award.

Subpart F—Supplementary Information

- 2903.18 Access to review information.
- 2903.19 Use of funds; changes.
- 2903.20 Reporting requirements.
- 2903.21 Applicable Federal statutes and regulations.
- 2903.22 Confidential aspects of applications and awards.