

# 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

[No. AMS-06-01]

#### Regulatory Flexibility Act: Review of Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Schedule for review of agency regulations.

**SUMMARY:** This document updates the Agricultural Marketing Service's (AMS) schedule for reviewing its regulations under the Regulatory Flexibility Act (RFA). Included in this schedule 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, 14th & Independence Avenue, SW., Room 3510-South, Washington, DC 20250, 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 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of each review will be to determine whether the rules should be continued without change, or should be amended or rescinded (consistent with the objectives of applicable statutes) to minimize impacts on small businesses.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 August 14, 2003 (68 FR 48574). The Agency has modified the plan with respect to Tomatoes Grown in Florida (7 CFR part 966) and Winter Pears grown in Oregon and Washington (7 CFR part 927). With regard to pears, this program has been the subject of substantial regulatory

change and we are allowing sufficient time for implementation before asking the public to review the program. With regard to tomatoes, we are continuing our review of that program. We're adding two new programs, Mango Promotion, Research, and Information (7 CFR part 1206) and Mandatory Country of Origin Labeling for Fish and Shellfish (7 CFR part 60) which were implemented in 2004 and will be reviewed in 2014. Results for reviews can be obtained from the person listed in the **FOR FURTHER INFORMATION CONTACT** section in "Confirmation of regulations" document which is published at the completion of each review. The list of reviews completed January 2005 to date include: (1) Raisins Produced from grapes Grown in California, part 989, January 30, 2006 (71 FR 4805); (2) Fluid Milk Promotion Program, March 9, 2005 (70 FR 11535); and (3) Dried Prunes Produced in California, February 13, 2006 (71 FR 7395). The Agency expects to publish review summaries for Cranberries Grown in the States of Massachusetts, Rhode Island, etc. (7 CFR part 929); Potato Research and Promotion Program (7 CFR part 1207); Mushroom Promotion, Research and Consumer Information Order (7 CFR part 1209); Soybean Promotion, Research and Consumer Information (7 CFR part 1220); and Egg Research and Promotion (7 CFR part 1250) later this year.

The attached document announces the revised schedule.

Dated: March 20, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

### AGRICULTURAL MARKETING SERVICE 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; Sec. 15, 46 Stat. 537; 7 U.S.C. 499o .....	Perishable Agricultural Commodities Act, 1930 .....	1930/Regs Amended 1997.	2008
7 Part 60; 7 U.S.C. 1621 <i>et seq.</i> .....	Country of Origin Labeling for Fish and Shellfish .....	2004 .....	2014
7 Part 205; 7 U.S.C. 6501-6522 .....	National Organic Program .....	2000 .....	2010
7 Part 905; 7 U.S.C. 6501-674 .....	Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida.	1939 .....	2007
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 .....	2008

AGRICULTURAL MARKETING SERVICE 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 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	2008
7 Part 984; 7 U.S.C. 601–674	Walnuts Grown in California	1948	2008
7 Part 996; Secs. 1308, Pub.L. 107–171, 116 Stat. 178 (7 U.S.C. 7958).	Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States.	2003	2010
7 Parts 1000–1139; 7 U.S.C. 601–674	Federal Milk Marketing Orders	1999	2009
7 Part 1150; 7 U.S.C. 4501–4513	Dairy Promotion Program	1984	2006
7 Part 1206; 7 U.S.C. 7 U.S.C. 7411–7425	Mango Promotion, Research, and Promotion Order	2004	2014
7 Part 1207; 7 U.S.C. 2611–2627	Potato Research and Promotion	1972	* 2005
7 Part 1209; 7 U.S.C. 6101–6112	Mushroom Promotion, Research and Consumer Information Order.	1993	* 2005
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 1219; 7 U.S.C. 7801–7813	Hass Avocado Promotion, Research, and Information	2003	2010
7 Part 1220; 7 U.S.C. 6301–6311	Soybean Promotion, Research and Consumer Information.	1991	* 2005
7 Part 1230; 7 U.S.C. 4801–4819	Pork Promotion, Research, and Consumer Information	1986	2008
7 Part 1240; 7 U.S.C. 4601–4612	Honey Research, Promotion, and Consumer Information Order.	1987	2008
7 Part 1250; 7 U.S.C. 2701–2718	Egg Research and Promotion	1976	* 2005
7 Part 1260; 7 U.S.C. 2901–2911	Beef Promotion and Research	1986	2007

\* A notice was published in the **Federal Register** announcing this review. The agency expects to publish a summary later this year.

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**DEPARTMENT OF AGRICULTURE**

**Federal Crop Insurance Corporation**

**7 CFR Part 457**

RIN 0563–AC03

**Common Crop Insurance Regulations; Mint Crop Insurance Provisions**

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Correction; Reopening and Extension of comment period.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) is extending the comment period for the proposed rule that was published in the **Federal Register** on Monday, February 6, 2006 (71 FR 6016–6021). The proposed rule was to amend 7 CFR part 457 to add to a new § 457.169 that provides insurance for mint. The provisions will be used in conjunction with the Common Crop Insurance Policy Basic Provisions, which contain standard terms and conditions common to most crops. This action will correct the electronic mail address, and allow interested persons additional time to prepare and submit comments.

**DATES:** Written comments and opinions on this proposed rule will be accepted until close of business April 24, 2006, and will be considered when the rule is to be made final.

**ADDRESSES:** Interested persons are invited to submit written comments to the Director, Product Development Division, Risk Management Agency, United States Department of Agriculture, 6501 Beacon Drive, Stop 0812, Room 421, Kansas City, MO 64133–4676. Comments titled “Mint Crop Insurance Provisions” may be sent via the Internet to [DirectorPDD@rma.usda.gov](mailto:DirectorPDD@rma.usda.gov), or the Federal eRulemaking Portal: <http://www.regulations.gov/>. Follow the online instructions for submitting comments. A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., c.s.t., Monday through Friday, except holidays, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, Risk Management Specialist, Research and Development, Product Development Division, Risk Management Agency, at the Kansas City, MO, address listed above, telephone (816) 926–7730.

**SUPPLEMENTARY INFORMATION:**

**Background**

On Monday, February 6, 2006, FCIC published a proposed rule with request for comments in the **Federal Register** to add to 7 CFR part 457, the Common Crop Insurance Regulations, a new § 457.169 that will provide insurance for mint. The effect of the proposed rule was to convert the mint pilot crop insurance program to a permanent crop insurance program.

Comments were required to be received on or before April 7, 2006. FCIC has been informed the e-mail address listed on the proposed rule and the Federal eRulemaking Portal address were not operational at the time the proposed rule was published. Therefore, FCIC is reopening and extending the comment period until close of business April 24, 2006. This action will allow interested persons who were unable to submit comments additional time to submit comments.

Signed in Washington, DC on March 16, 2006.

**Eldon Gould,**  
*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 06–2893 Filed 3–23–06; 8:45 am]

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