

(13) Forestry Incentives Program.

(14) Water Bank Program.

(15) Long term cost-sharing agreements under Public Law 83-566 and Public Law 78-534 watershed projects.

(16) Any other program which subsequently incorporates these procedures through reference to this part within its program regulations.

Part 614 as revised establishes two major categories of decisions made by NRCS officials for which landowners and participants may seek reconsideration or appeal: 1) those technical determinations of NRCS officials that may be appealed to NAD after appeal to the FSA county or area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C 590h(b)(5)); and 2) other decisions made by NRCS.

The current regulations in 7 CFR part 614 were published as a final rule on July 24, 1986, pursuant to Title XII of the Food Security Act of 1985, P.L. 99-198, 16 U.S.C. 3801 *et seq.* (Title XII). Those regulations set forth the procedures under which an owner or operator could seek reconsideration of, or appeal from, certain decisions made by NRCS officials regarding eligibility for participation in the Conservation Reserve Program, as authorized by Subtitle D of Title XII, or regarding the applicability of the compliance requirements of the highly erodible land and wetland conservation provisions of subtitles B and C of title XII, respectively.

The Reorganization Act specified that, until such time as an adverse decision is referred to the NAD for consideration, FSA county or area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C 590h(b)(5)) would have jurisdiction over any appeal resulting from adverse technical determinations made under Title XII, including an adverse decision involving technical determinations made by NRCS. Thus the subject matter of the current part 614 has been incorporated into subpart B of the revised part 614 which sets forth the informal appeal process for appeals of title XII technical determinations made by NRCS to FSA county committees as required by the Reorganization Act.

Subpart C of the revised part 614 consolidates appeal procedures for all other existing NRCS programs in part 614. Appeals for the following additional programs are now also covered by part 614: 7 CFR Part 623, Emergency Wetland Reserve Program; 7 CFR Part 631, Great Plains Conservation

Program; 7 CFR Part 632, Rural Abandoned Mine Program; 7 CFR Part 634, Rural Clean Water Program; 7 CFR Part 663, Wellton-Mohawk Irrigation Improvement Program, and 7 CFR Part 702, Colorado River Basin Salinity Control Program; 7 CFR Part 701 subpart-Forestry Incentives Program; and 7 CFR Part 752, Water Bank program.

Subpart A of part 614 includes general provisions applicable to informal appeals under both subparts B and C.

Appeal provisions for 7 CFR parts 12, 620, 623, 631, 632, 634, 663, 701, 702, and 752 are revised to make reference to part 614 for NRCS appeal procedures.

IV. Commodity Credit Corporation (CCC), Federal Crop Insurance Corporation (FCIC), and Farm Service Agency (FSA) Appeal Rules

The interim final rule makes amendments to 7 CFR parts 400 and 780 to maintain and revise the informal appeals process for adverse decisions of the FSA regarding Federal crop insurance, CCC, and FSA programs. The procedures for appeals under both parts will be consolidated in part 780. The revised part 780 sets forth regulations for requesting informal hearings or mediation in accordance with section 275 of the Act.

Part 780 includes procedures for the handling of appeals of NRCS technical determinations to FSA county and area committees.

Part 780 also includes procedures for the mandatory appeal of certain FSA adverse decisions to such committees as required by 7 CFR 11.5(a) of the NAD rules of procedure.

This rule also amends part 781 to conform the hearing procedures to that of part 780.

V. Rural Housing Service (RHS), Rural Business-Cooperative Service (RBS), and Rural Utilities Service (RUS) Appeal Rules

7 CFR part 1900, subpart B currently contains rules for appeals of decisions of the former Farmers Home Administration (FmHA). Either by the Act or by delegation of the Secretary, the FmHA programs covered by part 1900, subpart B were divided among RHS, RBS, and RUS. This rule amends part 1900, subpart B to set forth rules for requesting informal appeals or mediation of adverse decisions concerning direct loans, loan guarantees, and grants under the following programs: RUS Water and Waste Disposal Facility Loans and Grants Program, RHS Housing and Community Facilities Loan Programs,

and RBS Loan, Grant, and Guarantee Programs and the Intermediary Relending Program.

List of Subjects

7 CFR Part 1

Administrative practice and procedure, Agriculture, Reporting and recordkeeping requirements.

7 CFR Part 11

Administrative practice and procedure, Agriculture, Agricultural commodities, Crop insurance, Ex parte communications, Farmers, Federal aid programs, Guaranteed loans, Insured loans, Loan programs, Price support programs, Soil conservation.

7 CFR Part 12

Administrative practice and procedure, Agriculture, Soil conservation, Wetlands.

7 CFR Part 400

Administrative practice and procedure, Agriculture, Agricultural commodities, Crop insurance.

7 CFR Part 614

Administrative practice and procedure, Agriculture, Soil conservation, Wetlands.

7 CFR Part 620

Administrative practice and procedure, Agriculture, Soil conservation, Wetlands.

7 CFR Part 623

Administrative practice and procedure, Agriculture, Soil conservation, Wetlands.

7 CFR Part 631

Administrative practice and procedure, Agriculture, Soil conservation.

7 CFR Part 632

Administrative practice and procedure, Mines, Rural areas, Soil conservation.

7 CFR Part 634

Administrative practice and procedure, Agriculture, Soil conservation, Water resources, Water pollution control.

7 CFR Part 663

Administrative practice and procedure, Irrigation, Soil conservation, Water resources.

7 CFR Part 701

Administrative practice and procedure, Agriculture, Environmental protection, Forests and forest products, Soil conservation, Wetlands.