

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 246

RIN 0584-AA80

#### Special Supplemental Nutrition Program for Women, Infants and Children (WIC); Food Delivery Systems: Delay of Effective Date

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule entitled Special Supplemental Nutrition Program for Women, Infants and Children (WIC); Food Delivery Systems, published in the **Federal Register** on December 29, 2000, 65 FR 83248. The rule strengthens vendor management in retail food delivery systems by establishing mandatory selection criteria, training requirements, criteria to be used to certify high-risk vendors, and monitoring requirements, including compliance investigations. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Department's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3), seeking public comment is impracticable, unnecessary and contrary to the public interest. The

temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule effective immediately upon publication.

**DATES:** The effective date of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); Food Delivery Systems regulation, published in the **Federal Register** on December 29, 2000, at 65 FR 83248, is delayed for 60 days, from February 27, 2001, to a new effective date of April 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sheri Ackerman, Regulatory Control Officer, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or by telephone to (703) 305-2246.

Dated: January 29, 2001.

**Ann M. Veneman,**

*Secretary.*

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 271 and 278

RIN 0584-AB90

#### Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance: Delay of Effective Date

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the

effective date of the rule entitled Food Stamp Program: Food Revisions to the Retail Food Store Definition and Program Authorization Guidance, published in the **Federal Register** on January 12, 2001, 66 FR 2795. The rule implements provisions of the Food Stamp Program Improvements Act of 1994 to revise the criteria for eligibility of firms to participate in the Food Stamp Program as retail food stores, and to provide for notification to such firms of eligibility criteria for participation in the Food Stamp Program. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively the Department's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule effective immediately upon publication.

**DATES:** The effective date of the Food Stamp Program: Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance, published in the **Federal Register** on January 12, 2001, at 66 FR 2795, is delayed for 60 days, from February 12, 2001, to a new effective date of April 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sheri Ackerman, Regulatory Control Officer, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302-1954 or by telephone to (703) 305-2246.