

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 246

[FNS-2006-0037]

RIN 0584-AD77

#### Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages; Delay of Implementation Date

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

**ACTION:** Interim rule; delay of implementation date.

**SUMMARY:** This document delays from August 5, 2009 until October 1, 2009 the implementation date of the interim final rule entitled Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages, which was published in the *Federal Register* on December 6, 2007, 72 FR 68966, and became effective on February 4, 2008. The interim rule revises regulations governing the WIC food packages to align the WIC food packages with the Dietary Guidelines for Americans and current infant feeding practice guidelines of the American Academy of Pediatrics, better promote and support the establishment of successful long-term breastfeeding, provide WIC participants with a wider variety of food, and provide WIC State agencies with greater flexibility in prescribing food packages to accommodate participants with cultural food preferences. Many State agencies issue food instruments on a bi or tri-monthly basis based on the first of the month. As such, the August 5, 2009 date poses administrative and management information system challenges for State agencies. The new implementation date

of October 1, 2009 uses the first date of the month and also corresponds with the beginning of the Federal fiscal year. This change is intended to result in more effective and efficient implementation of the new requirements, and enable State agencies to better manage any cost adjustments arising from the changes.

**DATES:** Implementation date: State agencies must fully implement the Revisions in the WIC Food Packages interim rule published December 6, 2007 (72 FR 68966) no later than October 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Debra Whitford, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 528, Alexandria, Virginia 22302, (703) 305-2746, OR [Debbie.Whitford@fns.usda.gov](mailto:Debbie.Whitford@fns.usda.gov).

Dated: March 10, 2008.

**Roberto Salazar,**  
*Administrator, Food and Nutrition Service.*  
[FR Doc. E8-5249 Filed 3-14-08; 8:45 am]  
**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 1000, 1005, 1006, and 1007

[AMS-DA-07-0059; AO-388-A22; AO-356-A43 and AO-366-A51; Docket No. DA-07-03-A]

#### Milk in the Appalachian, Florida and Southeast Marketing Areas; Interim Order Amending the Orders

**AGENCY:** Agricultural Marketing Service, USDA

**ACTION:** Interim final rule.

**SUMMARY:** This order adjusts the Class I pricing surface of the Appalachian, Southeast and Florida Federal milk marketing orders on an interim basis. In addition, this order amends on an interim basis certain features of the diversion limit, touch-base standards and transportation credit provisions for the Appalachian and Southeast Federal milk marketing orders. More than the required producers approved the issuance of the interim order as amended.

**DATES:** *Effective Date:* All amendments are effective March 18, 2008, except for amendments to §§ 1005.51, 1006.51, and 1007.51, which are effective on May 1, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Gino M. Tosi, Associate Deputy Administrator, USDA/AMS/Dairy Programs, Order Formulation and Enforcement Branches, STOP 0231-Room 2971, 1400 Independence Avenue, SW., Washington, DC 20250-0231, (202) 690-1366, e-mail address: [gino.tosi@usda.gov](mailto:gino.tosi@usda.gov).

**SUPPLEMENTARY INFORMATION:** This interim final rule adopts provisions that will: (1) Adjust the Class I pricing surface in each county within the geographical marketing areas of the Appalachian, Florida and Southeast marketing orders; (2) Make diversion limit standards identical for the Appalachian and Southeast orders: 25 percent of deliveries to pool plants during the months of January, February, July, August, September, October and November, and 35 percent in the months of March, April, May, June and December; (3) Reduce touch-base standards to one day each month for the Appalachian and Southeast orders; (4) Add January and February as months when transportation credits are paid for in the Appalachian and Southeast orders; (5) Provide for the payment of transportation credits in the Appalachian and Southeast orders for full loads of supplemental milk; (6) Provide more flexibility in the qualification requirements for supplemental milk producers to receive transportation credits for the Appalachian and Southeast orders; and (7) Increase the monthly transportation credit assessment from \$0.20 per cwt to \$0.30 per cwt in the Southeast order.

This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) (Act), provides that