

pricing paid lunches and nonprogram foods as required in § 210.14(e) and § 210.14(f).

\* \* \* \* \*

■ 7. In § 210.20:

■ a. Amend paragraph (a)(7) by removing the word “and” at the end of paragraph;

■ b. Amend paragraph (a)(8) by removing “.,” at the end of paragraph and adding “; and” in its place;

■ c. Add new paragraph (a)(9);

■ d. Amend paragraph (b)(11) by removing the word “and” at the end of paragraph;

■ e. Amend paragraph (b)(12) by removing “.,” at the end of paragraph and adding “;” in its place;

■ f. Add new paragraphs (b)(13) and (b)(14).

The additions read as follows:

**§ 210.20 Reporting and recordkeeping.**

(a) \* \* \*

(9) The prices of paid lunches charged by each school food authority.

(b) \* \* \*

(13) Records showing compliance with the requirements in § 210.14(e)(5) and records supplied annually by school food authorities showing paid meal prices charged as required by § 210.14(e)(6); and

(14) Records to document compliance with the requirements in § 210.14(f).

Dated: June 3, 2011.

**Kevin Concannon,**

*Under Secretary, Food, Nutrition and Consumer Services.*

[FR Doc. 2011-14926 Filed 6-16-11; 8:45 am]

**BILLING CODE 3410-30-P**

**DEPARTMENT OF AGRICULTURE**

**National Institute of Food and Agriculture**

**7 CFR Part 3430**

[0524-AA61]

**Competitive and Noncompetitive Nonformula Federal Assistance Programs—Administrative Provisions for Biomass Research and Development Initiative**

**AGENCY:** National Institute of Food and Agriculture, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** The National Institute of Food and Agriculture (NIFA) is affirming, without change, an interim rule containing a set of specific administrative requirements for the Biomass Research and Development Initiative (BRDI) to supplement the

Competitive and Noncompetitive Nonformula Federal Assistance Programs—General Award Administrative Provisions for this program. The BRDI is authorized under section 9008 of the Farm Security and Rural Investment Act of 2002 (FSRIA), as amended by section 9001 of the Food, Conservation, and Energy Act of 2008 (FCEA).

**DATES:** This final rule is effective on June 17, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Carmela Bailey, National Program Leader, Division of Bioenergy, National Institute of Food and Agriculture, U.S. Department of Agriculture, STOP 3356, 1400 Independence Avenue, SW., Washington, DC 20250-2299; Voice: 202-401-6443; Fax: 202-401-4888; E-mail: [cbailey@NIFA.usda.gov](mailto:cbailey@NIFA.usda.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background and Summary**

*Authority*

On June 14, 2010 (Volume 75, Number 113), NIFA published an interim rule with a 120-day comment period to provide administrative provisions that are specific to the Federal assistance awards made under section 9008 of the Farm Security and Rural Investment Act of 2002 (FSRIA), Public Law 107-171 (7 U.S.C. 8108), as amended by section 9001 of the Food, Conservation, and Energy Act of 2008 (FCEA), Public Law 110-246, providing authority to the Secretary of Agriculture and the Secretary of Energy, to establish and carry out a joint Biomass Research and Development Initiative (BRDI) under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of biofuels and biobased products; and the methods, practices, and technologies for the production of biofuels and biobased products. No program specific comments were received. NIFA will proceed with the final rule with only minimal changes. Should the Secretaries of USDA and DOE decide to make competitive Federal assistance awards under this authority, the rules contained within subpart K apply. Activities authorized under BRDI are carried out in consultation with the Biomass Research and Development Board, established in section 9008(c) of FSRIA and the Biomass Research and Development Technical Advisory committee established in section 9008(d) of FSRIA. The USDA authority to carry out this program has been delegated to NIFA through the Under Secretary for Research, Education, and Economics.

*Purpose*

The objectives of BRDI are to develop (a) technologies and processes necessary for abundant commercial production of biofuels at prices competitive with fossil fuels; (b) high-value biobased products (1) To enhance the economic viability of biofuels and power, (2) to serve as substitutes for petroleum-based feedstocks and products, and (3) to enhance the value of coproducts produced using the technologies and processes; and (c) a diversity of economically and environmentally sustainable domestic sources of renewable biomass for conversion to biofuels, bioenergy, and biobased products.

*Organization of 7 CFR Part 3430*

A primary function of NIFA is the fair, effective, and efficient administration of Federal assistance programs implementing agricultural research, education, and extension programs. As noted above, NIFA has been delegated the authority to administer this program and will be issuing Federal assistance awards for funding made available for this program; and thus, awards made under this authority will be subject to the Agency's assistance regulations at 7 CFR part 3430, Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions. The Agency's development and publication of these regulations for its non-formula Federal assistance programs serve to enhance its accountability and to standardize procedures across the Federal assistance programs it administers while providing transparency to the public. NIFA published 7 CFR part 3430 with subparts A through F as an interim rule on August 1, 2008 [73 FR 44897-44909] and as a final rule on [September 4, 2009] [74 FR 45736-45752]. These regulations apply to all Federal assistance programs administered by NIFA except for the formula grant programs identified in 7 CFR 3430.1(f), the Small Business Innovation Research programs, with implementing regulations at 7 CFR part 3403, and the Veterinary Medicine Loan Repayment Program (VMLRP) authorized under section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA).

NIFA organized the regulation as follows: Subparts A through E provide administrative provisions for all competitive and noncompetitive non-formula Federal assistance awards.

Subparts F and thereafter apply to specific NIFA programs.

NIFA is, to the extent practical, using the following subpart template for each program authority: (1) Applicability of regulations, (2) purpose, (3) definitions (those in addition to or different from § 3430.2), (4) eligibility, (5) project types and priorities, (6) funding restrictions (including indirect costs), and (7) matching requirements. Subparts F and thereafter contain the above seven components in this order. Additional sections may be added for a specific program if there are additional requirements or a need for additional rules for the program (*e.g.*, additional reporting requirements). Through this rulemaking, NIFA is adding subpart K for the administrative provisions that are specific to the Federal assistance awards made under the BRDI authority.

## II. Administrative Requirements for the Rulemaking

### *Executive Order 12866*

This action has been determined to be not significant for purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget. This final rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; nor will it materially alter the budgetary impact of entitlements, grants, user fees, or loan programs; nor will it have an annual effect on the economy of \$100 million or more; nor will it adversely affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way. Furthermore, it does not raise a novel legal or policy issue arising out of legal mandates, the President's priorities or principles set forth in the Executive Order.

### *Regulatory Flexibility Act of 1980*

This final rule has been reviewed in accordance with the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612. The Department concluded that the rule will not have a significant economic impact on a substantial number of small entities. The rule does not involve regulatory and informational requirements regarding businesses, organizations, and governmental jurisdictions subject to regulation.

### *Paperwork Reduction Act (PRA)*

The Department certifies that this final rule has been assessed in accordance with the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (PRA). The Department concludes that this final rule does not impose any new information requirements; however, the burden estimates will increase for existing approved information collections associated with this rule due to additional applicants. These estimates will be provided to OMB. In addition to the SF–424 form families (*i.e.*, Research and Related and Mandatory), SF–425 Federal Financial Report, Financial Status Reports; NIFA has three currently approved OMB information collections associated with this rulemaking: OMB Information Collection No. 0524–0042, NIFA Current Research Information System (CRIS); No. 0524–0041, NIFA Application Review Process; and No. 0524–0026, Assurance of Compliance with the Department of Agriculture Regulations Assuring Civil Rights Compliance and Organizational Information.

### *Catalog of Federal Domestic Assistance*

This final regulation applies to the Federal assistance program administered by NIFA under the Catalog for Federal Domestic Assistance (CFDA) No.10.312, Biomass Research and Development Initiative.

### *Unfunded Mandates Reform Act of 1995 and Executive Order 13132*

The Department has reviewed this final rule in accordance with the requirements of Executive Order No. 13132 and the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*, and has found no potential or substantial direct effects on 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. As there is no Federal mandate contained herein that could result in increased expenditures by State, local, or Tribal governments, or by the private sector, the Department has not prepared a budgetary impact statement.

### *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

The Department has reviewed this final rule in accordance with Executive Order 13175, and has determined that it does not have “Tribal implications.” The final rule does not “have substantial direct effects on one or more Indian Tribes, on the relationship

between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.”

### *Clarity of This Regulation*

Executive Order 12866 and the President's Memorandum of June 1, 1998, require each agency to write all rules in plain language. The Department invites comments on how to make this final rule easier to understand.

### **List of Subjects in 7 CFR Part 3430**

Administrative practice and procedure, Agricultural research, Education, Extension, Federal assistance.

## **PART 3430—COMPETITIVE AND NONCOMPETITIVE NON-FORMULA FEDERAL ASSISTANCE PROGRAMS—GENERAL AWARD ADMINISTRATIVE PROVISIONS**

Accordingly, the interim rule amending 7 CFR part 3430 which was published at 75 FR 33497 on June 14, 2010, is adopted as a final rule without change.

Signed at Washington, DC, on June 10, 2011.

**Ralph Otto,**

*Deputy Director, Food and Community Resources, National Institute of Food and Agriculture.*

[FR Doc. 2011–15104 Filed 6–16–11; 8:45 am]

**BILLING CODE 3410–22–P**

## **DEPARTMENT OF AGRICULTURE**

### **National Institute of Food and Agriculture**

### **7 CFR Part 3430**

**RIN 0524–AA59**

### **Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program**

**AGENCY:** National Institute of Food and Agriculture, USDA.

**ACTION:** Final rule.

**SUMMARY:** The National Institute of Food and Agriculture (NIFA) is adopting as a final rule, with changes, an interim rule (published at 74 FR 45968 on September 4, 2009) containing a set of specific administrative requirements for the Beginning Farmer and Rancher Development Program (BFRDP) to supplement the Competitive and Noncompetitive Non-Formula Federal Assistance Programs—General Award Administrative Provisions for this