

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### State of Wisconsin Department of Agriculture, Trade and Consumer Protection Soil and Water Resource Management Grant Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954, as Amended

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of determination.

**SUMMARY:** The Secretary of Agriculture has determined that all State cost-share payments made to individuals under the Soil and Water Resource Management Grant Program are made primarily for the purpose of conserving soil and water resources. This determination is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 126). The determination permits recipients of these cost-share payments to exclude from gross income to the extent allowed by the Internal Revenue Service.

**FOR FURTHER INFORMATION CONTACT:**

Dave Jelinski, Director, Land and Water Resources Bureau, Wisconsin Department of Agriculture, Trade and Consumer Protection, Post Office Box 8911, Madison, Wisconsin 53708-8911 or Mark W. Berkland, Director, Conservation Operations Division, USDA Natural Resources Conservation Service, Post Office Box 2890, Washington, DC 20013.

**SUPPLEMENTARY INFORMATION:** Section 126 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 126), provides that certain payments made to persons under State conservation programs may be excluded from the recipient's gross income for Federal income tax purposes, if the Secretary of Agriculture determines that payments are made "primarily for the purpose of

conserving soil and water resources, protecting or restoring the environment, improving forests or providing a habitat for wildlife." The Secretary of Agriculture evaluates these conservation programs on the basis of criteria set forth in 7 CFR part 14, and makes a "primary purpose" determination for the payments made under each program. Before there may be an exclusion, the Secretary of the Treasury must determine that payments made under these conservation programs do not substantially increase the annual income derived from the property benefited by the payments.

*Procedural Matters:* The authorizing legislation, regulations, and operating procedures regarding the Wisconsin Department of Agriculture, Trade and Consumer Protection's Soil and Water Resource Management Grant Program have been examined using the criteria set forth in 7 CFR part 14. The Secretary of Agriculture has concluded that the cost-share payments made for implementation of projects under the Soil and Water Resources Management Grant Program are primarily for the purpose of conserving soil and water resources. A "Record of Decision, Wisconsin Department of Agriculture, Trade and Consumer Protection Soil and Water Resource Management Grant Program, Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from Dave Jelinski, Director, Land and Water Resources Bureau, Wisconsin Department of Agriculture, Trade and Consumer Protection, 2811 Agriculture Drive, Second Floor, Post Office Box 8911, Madison, Wisconsin 53708-8911 or Mark W. Berkland, Director, Conservation Operations Division, USDA Natural Resources Conservation Service, Post Office Box 2890, Washington, DC 20013.

*Determination:* As required by section 126(b) of the Internal Revenue Code of 1954, as amended, we have examined the authorizing legislation, regulations, and operating procedures regarding the Wisconsin Department of Agriculture, Trade and Consumer Protection Soil and Water Resource Management Grant Program. In accordance with the criteria set out in the CFR part 14, we have determined that all cost-share payments for implementing projects under the Soil and Water Resource Management

Grant Program are primarily for the purpose of conserving soil and water resources. Subject to further determination by the Secretary of the Treasury, this determination permits payment recipients to exclude from gross income, for Federal income tax purposes, all or part of such cost-share payments made under said program.

Signed in Washington, DC on November 15, 2001.

**Ann M. Veneman,**

*Secretary of Agriculture.*

[FR Doc. 01-29017 Filed 11-20-01; 8:45 am]

**BILLING CODE 3410-16-M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[FV-02-334]

#### United States Standards for Grades of Apple Juice From Concentrate

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

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) is soliciting comments on its proposal to create new United States Standards for Grades of Apple Juice from Concentrate. USDA has received a petition from a major association to create grade standards for apple juice from concentrate that will include a description of the product, style, grades, ascertaining the grade by sample, and ascertaining the grade by lot. This proposal will provide a common language for trade, a means of measuring value in the marketing of apple juice from concentrate, and provide guidance in the effective utilization of apple juice from concentrate.

**DATES:** Comments may be submitted on or before January 22, 2002.

**ADDRESSES:** Written comments may be submitted to: Lydia E. Berry, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, 1400 Independence Avenue SW., Washington, DC 20250-0247; fax (202) 690-1087; or e-mail [lydia.berry@usda.gov](mailto:lydia.berry@usda.gov). Comments should reference the date and page of this issue of the **Federal Register**. All comments received will be made available for public inspection at the address listed

above during regular business hours and on the Internet.

The draft of the United States Standards for Grades Apple Juice from Concentrate is available either through the address cited above or by accessing the AMS Home Page on the Internet at: [www.ams.usda.gov/fv/ppb.html](http://www.ams.usda.gov/fv/ppb.html). Any comments received, regarding this proposed standard will also be posted on that site.

**FOR FURTHER INFORMATION CONTACT:**

Lydia E. Berry at (202) 720-5021 or e-mail at [lydia.berry@usda.gov](mailto:lydia.berry@usda.gov).

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices \* \* \*." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and make copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to establish the U.S. Standards for Grades of Apple Juice from Concentrate using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

On May 28, 1996, Processed Apples Institute, Inc., an association of producers of processed apple products, requested that USDA develop a standard for apple juice from concentrate to be used by the industry. The petitioner provided information on style, and descriptions to AMS to develop the standard.

After researching the issue, AMS prepared a discussion draft of the apple juice from concentrate standard, and distributed copies for input to the petitioner, and the National Food Processors Association (NFPA). Input from the above groups was used to develop the proposed standard.

Based on the results of the information gathered, AMS is proposing to establish a standard for apple juice from concentrate following the standard format for U.S. Grade Standards. AMS is proposing to define "apple juice from concentrate" and establish "clear" and "cloudy" as the style designations. The proposal will also define the quality factors that affect apple juice from

concentrate such as "color," "defects" and "flavor."

This proposal will establish the grade levels "A," "B," and "Substandard," and assign the corresponding score points for each level. The proposed tolerance for each quality factor as defined for each grade level will also be established.

The grade of a sample unit of apple juice from concentrate will be ascertained by considering the ratings for the factors of absence of defects, color and clarity, and flavor and aroma, which are scored; the total score; and the limiting rules which apply. This proposal will provide a common language for trade, a means of measuring value in the marketing of apple juice from concentrate, and provide guidance in the effective utilization of apple juice from concentrate. The official grade of a lot of apple juice from concentrate covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Foods Products (7 CFR 52.1 to 52.83).

This notice provides for a 60 day comment period for interested parties to comment on changes to the standards.

**Authority:** 7 U.S.C. 1621-1627.

Dated: November 15, 2001.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 01-29113 Filed 11-20-01; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[FV-02-333]

#### United States Standards for Grades of Dried Figs

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

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is revising the United States Standards for Grades of Dried Figs. The revision will eliminate the present Grade "A" quality level and change the present Grade "B" quality level to the new Grade "A". This proposal elevates the present Grade "C" quality level to a new Grade "B" level thus eliminating the Grade "C" designation from the United States Standards for Grades of Dried Figs. The existing grade level "Substandard"

would remain the same. These changes have been requested by the industry in order to bring the standards for dried figs in line with the present quality levels being marketed today and provide guidance in the effective utilization of dried figs.

**EFFECTIVE DATE:** December 21, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Lydia E. Berry, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, 1400 Independence Avenue SW., Washington, DC 20250-0247; fax (202) 690-1087; or e-mail

[lydia.berry@usda.gov](mailto:lydia.berry@usda.gov). The current United States Standards for Dried Figs, along with the changes, are available either through the address cited above or by accessing the AMS Home Page on the Internet at: [www.ams.usda.gov/standards/dried.htm](http://www.ams.usda.gov/standards/dried.htm)

The comments from the proposed notice and the final notice will be made available on the internet at: [www.ams.usda.gov/fv/ppb.html](http://www.ams.usda.gov/fv/ppb.html)

The U. S. Standards for Dried Figs do not appear in the Code of Federal Regulations.

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices \* \* \*." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables no longer appear in the Code of Federal Regulations but are maintained by USDA, AMS, Fruit and Vegetable Programs. AMS is revising the U. S. Standards for Grades of Dried Figs using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR Part 36).

#### Proposed by the Petitioner

AMS received a petition from the California Fig Advisory Board requesting the USDA to revise the United States Standards for Grades of Dried Figs. The Board specifically requested that the present grade "A" be eliminated, and that the present grade "B" be elevated to a new grade "A", the current grade "C" be elevated to a new grade "B" and the level of grade "C" be eliminated in the new standard. The Board also provided information on