

# Rules and Regulations

Federal Register

Vol. 81, No. 118

Monday, June 20, 2016

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 250 and 251

[FNS–2014–0040]

RIN 0584–AE29

#### Requirements for the Distribution and Control of Donated Foods and The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final rule published in the **Federal Register** on April 19, 2016, “Requirements for the Distribution and Control of Donated Foods—The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014.”

**DATES:** This document is effective June 20, 2016.

#### FOR FURTHER INFORMATION CONTACT:

Carolyn Smalkowski, Program Analyst, Policy Branch, Food Distribution Division, Food and Nutrition Service, 3101 Park Center Drive, Room 500, Alexandria, Virginia 22302, or by telephone (703) 305–2680.

**SUPPLEMENTARY INFORMATION:** The Food and Nutrition Service published a final rule in the **Federal Register**, 81 FR 23086, on April 19, 2016, to amend Food Distribution regulations at 7 CFR part 250 and 7 CFR part 251 to revise and clarify requirements to ensure that USDA donated foods are distributed, stored, and managed in the safest, most efficient, and cost-effective manner, at State and recipient agency levels. The final rule misstated the title of the rule and misspelled the word “Territories” in the title of 7 CFR part 250 of the regulatory text. This final rule

correction resolves these errors by providing the correct title and regulatory text for 7 CFR part 250. This final rule correction also makes a technical correction in 7 CFR 250.30(c)(1)(vi) by removing parts (A) and (B) and combining these sections to ensure readers clearly understand the requirements for processing contracts set forth in this section. All other information in the final rule remains unchanged.

#### Corrections

- 1. In the final rule title:
- a. On page 23086, in the first column, revise the final rule subject heading.

The revision reads as follows:

#### Requirements for the Distribution and Control of Donated Foods and The Emergency Food Assistance Program: Implementation of the Agricultural Act of 2014

- 2. In 7 CFR part 250, on page 23100, in the second column, revise the part heading to read as follows:

#### PART 250—DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

- 3. In § 250.30:
  - a. On page 23110, in the second and third columns, remove (c)(1)(vi)(A) and (B).
  - b. On page 23110, in the second column, add a new instruction d1 to read as follows:
    - “d1. Redesignate paragraphs (c)(2) through (c)(4) as (c)(3) through (c)(5).”
  - c. On page 23110, in the second column, add a new instruction d2 to read as follows:
    - “d2. In paragraph (c)(1), remove the words “(c)(3), (c)(4)(ii), and (c)(4)(viii)(B)” and add in their place “(c)(4), (c)(5)(ii), and (c)(5)(viii)(B).”
  - d. On page 23110, in the second column, add a new instruction d3 to read as follows:
    - “d3. In paragraph (c)(1), remove the words “(c)(4)(xi)” and add in their place “(c)(5)(xi).”
  - e. On page 23110, in the second column, revise instructions 4e, 4f, and 4g to read as follows:
    - “e. Amend newly redesignated paragraphs (c)(5)(iii) and (f)(1) by removing the reference “§ 250.3” and adding in its place the reference “§ 250.2”.

- f. Revise newly redesignated paragraphs (c)(5)(viii)(G) and (c)(4)(xi).

- g. Remove newly redesignated paragraph (c)(5)(xiv) and redesignate newly redesignated paragraphs (c)(5)(xv) through (xviii) as paragraphs (c)(5)(xiv) through (xvii).”

- f. On page 23110, in the third column, add new paragraph (c)(2).

- g. On page 23110, in the second column, add a new instruction d4 to read as follows:

- “d4. In newly redesignated paragraph (c)(5)(ii), remove the words “(c)(4)(iii)” and add in their place “(c)(5)(iii).”

The addition reads as follows:

#### § 250.30 State processing of donated foods.

\* \* \* \* \*

(c) \* \* \*

(2) These criteria will be reviewed by the appropriate FNS Regional Office during the management evaluation review of the distributing agency. Distributing agencies and subdistributing agencies which enter into contracts on behalf of recipient agencies but which do not limit the types of end products which can be sold or the number of processors which can sell end products within the State are not required to follow the selection criteria. In addition to utilizing these selection criteria, when a contracting agency enters into a contract both for the processing of donated food and the purchase of the end products produced from the donated food, the procurement standards set forth in 2 CFR part 200, subpart D and Appendix II, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards and USDA implementing regulations at 2 CFR part 400 and Part 416 must be followed. Recipient agencies which purchase end products produced under Statewide agreements are also required to comply with 2 CFR part 200, subpart D and USDA implementing regulations at 2 CFR part 400 and Part 416. Contracting agencies shall not enter into contracts with processors which cannot demonstrate the ability to meet the terms and conditions of the regulations and the distributing agency agreements; furnish prior to the delivery of any donated foods for processing, a performance bond, an irrevocable letter of credit or an escrow account in an amount sufficient to protect the contract value of donated food on hand and on order; demonstrate the ability to

distribute end products to eligible recipient agencies; provide a satisfactory record of integrity, business ethics and performance and provide adequate storage.

\* \* \* \* \*

Dated: June 15, 2016.

**Telora T. Dean,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 2016-14498 Filed 6-17-16; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

[Docket No. USCG-2016-0458]

RIN 1625-AA08

### Regattas and Marine Parades; Great Lakes Annual Marine Events

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce various special local regulations for annual regattas and marine parades in the Captain of the Port Detroit zone from June 25, 2016 through September 24, 2016. Enforcement of these regulations is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after these regattas or marine parades. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after regattas or marine parades.

**DATES:** The regulations in 33 CFR 100.914, 100.915, 100.919, and 100.928 will be enforced at specified dates and times between June 25, 2016 and September 24, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call or email Petty Officer Todd Manow, Prevention Department, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit MI 48207; telephone (313)568-9580, email [Todd.M.Manow@uscg.mil](mailto:Todd.M.Manow@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the following special local regulations listed in 33 CFR part 100, Safety of Life on Navigable Waters, on the following dates and times, which are listed in chronological order:

(1) *§ 100.919 International Bay City River Roar, Bay City, MI.*

This special local regulation will be enforced from 9 a.m. to 6 p.m. on June 25 and 26, 2016. A regulated area is established to include all waters of the Saginaw River bounded on the north by the Liberty Bridge, located at 43°36.3' N., 83°53.4' W., and bounded on the south by the Veterans Memorial Bridge, located at 43°35.8' N., 83°53.6' W. In case of rain on any of the race days, this special local regulation may be enforced an additional day on June 27, 2016 from 9 a.m. until 6 p.m.

(2) *§ 100.914 Trenton Rotary Roar on the River, Trenton, MI.*

This special local regulation will be enforced from 8 a.m. to 8 p.m. on July 15, 16, and 17, 2016. The regulated area is established to include all waters of the Detroit River, Trenton, Michigan, bounded by an east/west line beginning at a point of land at the northern end of Elizabeth Park in Trenton, MI, located at position 42°8.2' N.; 83°10.6' W., extending east to a point near the center of the Trenton Channel located at position 42°8.2' N.; 83°10.4' W., extending south along a north/south line to a point at the Grosse Ile Parkway Bridge located at position 42°7.7' N.; 83°10.5' W., extending west along a line bordering the Grosse Ile Parkway Bridge to a point on land located at position 42°7.7' N.; 83°10.7' W., and along the shoreline to the point of origin. This area is in the Trenton Channel between Trenton and Grosse Isle, MI.

(3) *§ 100.915 St. Clair River Classic Offshore Race, St. Clair, MI.*

This special local regulation will be enforced from 10 a.m. to 7 p.m. each day from July 25, 2015 through July 31, 2015. A regulated area is established to include all waters of the St. Clair River, St. Clair, Michigan, bounded by latitude 42°52'00" N. to the north; latitude 42°49'00" N. to the south; the shoreline of the St. Clair River on the west; and the international boundary line on the east.

(4) *§ 100.928 Frogtown Race Regatta, Toledo, OH.*

The special local regulation will be enforced from 5 a.m. to 7 p.m. on September 24, 2016. This special local regulation will encompass all navigable waters of the United States on the Maumee River, Toledo, OH, from the Norfolk and Southern Railway Bridge at River Mile 1.80 to the Anthony Wayne Bridge at River Mile 5.16.

### Special Local Regulations

In accordance with § 100.901, entry into, transiting, or anchoring within these regulated areas is prohibited

unless authorized by the Coast Guard patrol commander (PATCOM). The PATCOM may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

Vessels permitted to enter this regulated area must operate at a no-wake speed and in a manner that will not endanger race participants or any other craft.

The PATCOM may direct the anchoring, mooring, or movement of any vessel within this regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the PATCOM shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the PATCOM. Failure to do so may result in expulsion from the area, a Notice of Violation for failure to comply, or both.

If it is deemed necessary for the protection of life and property, the PATCOM may terminate at any time the marine event or the operation of any vessel within the regulated area.

In accordance with the general regulations in § 100.35 of this part, the Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander (PATCOM). The PATCOM may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander."

Under the provisions of 33 CFR 100.928, vessels transiting within the regulated area shall travel at a no-wake speed and remain vigilant for event participants and safety craft. Additionally, vessels shall yield right-of-way for event participants and event safety craft and shall follow directions given by the Coast Guard's on-scene representative or by event representatives during the event.

The "on-scene representative" of the Captain of the Port Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Detroit to act on his behalf. The on-scene representative of the Captain of the Port Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port, Sector Detroit or his designated on scene representative may be contacted via VHF Channel 16.

The rules in this section shall not apply to vessels participating in the event or to government vessels patrolling the regulated area in the performance of their assigned duties.

This document is issued under authority of 33 CFR 100.35 and 5 U.S.C. 552(a). If the Captain of the Port determines that any of these special