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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0121]

Notice of Determination of the High Pathogenicity Avian Influenza Subtype H5N1 Status of Germany and Poland

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination regarding the high pathogenicity avian influenza (HPAI) subtype H5N1 status of Germany and Poland following outbreaks in 2006 and 2007. Based on assessments of the animal health status of the two countries, which we made available to the public for review and comment through a previous notice, the Administrator has determined that the importation of live birds, poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds, and other birds from either Germany (except Saxony, Germany) or Poland presents a low risk of introducing HPAI H5N1 into the United States.

DATES: *Effective Date:* This determination will be effective on June 22, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Javier Vargas, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 38, Riverdale, MD 20737-1231; (301) 734-0756.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 2009, we published in the **Federal Register** (74 FR 69-70) a notice¹ in which we announced the

availability for review and comment of assessments of the animal health status of Germany and Poland relative to high pathogenicity avian influenza (HPAI) subtype H5N1. In the assessments, titled “APHIS’ Evaluation of the Status of High Pathogenicity Avian Influenza H5N1 (HPAI H5N1) in Germany” (October 2008) and “APHIS’ Evaluation of the Status of High Pathogenicity Avian Influenza H5N1 virus in Poland” (October 2008), we presented the results of our evaluation of the prevalence of HPAI H5N1 in domestic poultry in the two countries in light of the actions taken by German and Polish animal health authorities during and since the outbreaks of HPAI H5N1 that occurred in those two regions in 2006 and 2007.

Our assessments concluded that both Germany and Poland had adequate detection and control measures in place at the time of the outbreaks, that they have been able to effectively control and eradicate HPAI H5N1 in their domestic poultry populations since that time, and that both German and Polish animal health authorities have control measures in place to rapidly identify, control, and eradicate the disease should it be reintroduced into Germany or Poland in either wild birds or domestic poultry.

In our January 2009 notice we stated that, if we could identify no additional risk factors that would indicate that domestic poultry in either Germany or Poland continue to be affected with HPAI H5N1 by the end of the comment period, we would conclude that the importation of live birds, poultry carcasses, parts of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions of Germany and Poland presents a low risk of introducing HPAI H5N1 into the United States.

We solicited comments on the notice for 30 days ending on February 2, 2009. We received one comment on our assessments, from the Ministry of Agriculture and Rural Development of the Republic of Poland. The commenter agreed with our findings. Based on the comment we received, no changes were made to the evaluations.

Therefore we are removing our prohibition on the importation of these products from Germany (except Saxony, Germany) and Poland into the United States. Specifically:

- We are no longer requiring that processed poultry products from Germany (except Saxony, Germany) and Poland be accompanied by a Veterinary Service import permit and government certification confirming that the products have been treated according to APHIS requirements;

- We are allowing unprocessed poultry products from Germany (except Saxony, Germany) and Poland to enter the United States in passenger luggage; and

- We are removing restrictions regarding the regions in Germany (except Saxony, Germany) and Poland from which processed poultry products may originate in order to be allowed entry into the United States in passenger luggage.

However, live birds from Germany and Poland are still subject to the inspections at ports of entry and post-importation quarantines set forth in 9 CFR part 93, unless granted an exemption by the Administrator or destined for diagnostic purposes and accompanied by a limited permit.

Additionally, in our January 2009 notice, we stated that for Germany, we would maintain the restrictions we imposed in response to a subsequent October 2008 outbreak until the European Commission lifted the restrictions it had imposed in response to that outbreak, at which point we would reevaluate the HPAI H5N1 status of the district of Görlitz in Saxony.

The restrictions put in place by the European Commission on October 9, 2008, in response to the presence of HPAI H5N1 in a single flock of mixed species of domestic poultry in the district of Görlitz in Saxony, were lifted on November 13, 2008, following extensive surveillance and epidemiologic investigations. Accordingly, we are publishing a notice in today’s issue of the **Federal Register**, in which we make available, for review and comment, our assessment of the HPAI H5N1 status of Saxony, Germany.

Authority: 7 U.S.C. 450, 7701-7772, 7781-7786, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

¹ To view the notice, the assessments, and the comment we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0121>.

Done in Washington, DC, this 1st day of June 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-13154 Filed 6-4-09; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108-447)

AGENCY: Coronado National Forest, USDA Forest Service, Tucson, Arizona.

ACTION: Notice of new fee site.

SUMMARY: The Coronado National Forest proposes to begin charging a new \$150.00 per day fee for rental of the Kent Springs Cabin, located in Madera Canyon, 15 miles west of Green Valley, Arizona. Rental of the Cabin includes overnight use. Rental of other facilities within the Arizona National Forests has shown that the public appreciates and enjoys the availability of historic rental facilities. Funds from the rentals will be used for the continued operation and maintenance of the Kent Springs Cabin.

DATES: Kent Springs Cabin will become available for rent April, 2010.

ADDRESSES: Coronado National Forest, 300 West Congress, Tucson, AZ 85701.

FOR FURTHER INFORMATION CONTACT: Kathy Makansi, Archaeologist, Coronado National Forest, (520) 760-2502.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

The Coronado National Forest currently has three other rental facilities. These facilities are booked regularly throughout the rental season. A business analysis for the rental of the Kent Springs Cabin shows that people desire having this sort of recreation experience on the Coronado National Forest. A market analysis indicates that the \$150.00 daily fee is both reasonable and acceptable for this sort of unique recreation experience.

People wanting to rent the Kent Springs Cabin will need to do so through the National Recreation Reservation Service, at <http://www.recreation.gov> by calling 1-877-444-6777. The National Recreation Reservation Service charges a \$9 fee per reservation.

Dated: May 28, 2009.

Jeanine A. Derby,

Forest Supervisor, Coronado National Forest.

[FR Doc. E9-13026 Filed 6-4-09; 8:45 am]

BILLING CODE 3410-11-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

June 2, 2009.

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement.

EFFECTIVE DATE: June 5, 2009.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain cotton-polyester circular knit fleece fabric, as specified below, is not available in commercial quantities in a timely manner in the CAFTA-DR countries. The product will be added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT: Maria Dycszak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

FOR FURTHER INFORMATION ONLINE: <http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf>. Reference number: 108.2009.04.24.Fabric.ST&RforGaran Mfg.

SUPPLEMENTARY INFORMATION:

Authority: The CAFTA-DR Agreement; Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR Implementation Act), Pub. Law 109-53; the Statement of Administrative Action (SAA), accompanying the CAFTA-DR Implementation Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

BACKGROUND:

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Agreement provides that this list may be modified pursuant to Article 3.25(4)-(5), when the President of the United States determines that a fabric, yarn, or fiber is

not available in commercial quantities in a timely manner in the territory of any Party. See Annex 3.25 of the CAFTA-DR Agreement; see also section 203(o)(4)(C) of the CAFTA-DR Act.

The CAFTA-DR Implementation Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of CAFTA-DR Implementation Act for modifying the Annex 3.25 list. On September 15, 2008, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list of products determined to be not commercially available in the territory of any Party to CAFTA-DR (Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement, 73 FR 53200, September 15, 2008) ("procedures").

On April 24, 2009, the Chairman of CITA received a Request for a Commercial Availability Determination ("Request") from Sandler, Travis & Rosenberg, P.A., on behalf of Garan Manufacturing Corp., for certain cotton-polyester circular knit fleece fabric. On April 28, 2009, in accordance with CITA's procedures, CITA notified interested parties of the Request, which was posted on the dedicated website for CAFTA-DR Commercial Availability proceedings. In its notifications, CITA advised that a Response with an Offer to Supply ("Response") to the Request must be submitted by May 8, 2009, and any Rebuttal to a Response ("Rebuttal") be submitted by May 14, 2009. On May 8, 2009, Elasticos Centroamericanos y Textil S.A. de C.V. ("Elcatex") submitted a Response. On May 14, 2009, Garan Manufacturing Corp. submitted its Rebuttal.

In accordance with Section 203(o) of the CAFTA-DR Implementation Act, Article 3.25 of the CAFTA-DR, and Section 8(c)(4) of CITA's procedures, should CITA determine that it has insufficient information to make a determination, CITA will extend its time period for consideration of the Request by an additional 14 U.S. business days. As the requestor and respondent disagreed on the respondent's ability to supply the subject product, on May 20, 2009, the Chairman determined that there was insufficient information to recommend a determination, and therefore extended