

Tuberculosis Eradication Program, which is a national program to eliminate bovine tuberculosis from the United States. This program is conducted under the authorities of the various States supplemented by Federal authorities regulating interstate movement of affected animals.

Need and Use of the Information: APHIS will collect the following information for zoning, testing and animal movement: (1) Submission of a Tuberculosis Management Plan for eradicating the disease within a State or zone, thus avoiding a downgrade in the State or zone TB status; (2) submission of a formal request that a zone within a given State is given a different tuberculosis status than the rest of the State, (3) an epidemiological review of reports of all testing for all zones within the State within 30 days of testing, (4) the submission of an annual report to APHIS in order to qualify for renewal of State or zone status, (5) the completion of a certificate of tuberculin test that must accompany certain regulated animals that are moved interstate, (6) the retention, for 2 years of any certificates documenting the movement of regulated animals into and out of zones; and (7) a Memorandum of Understanding (MOU) with APHIS in which the States agrees to adhere to any conditions for zone recognition particular in that request. Without the information APHIS would not be able to operate an effective tuberculosis surveillance, containment, and eradication program.

Description of Respondents: Business or other for-profit; Farms; State, Local or Tribal Government.

Number of Respondents: 2,585.

Frequency of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 4,807.

Ruth Brown,

Departmental Information Collection Clearance Officer.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0121]

Notice of Determination of the Highly Pathogenic Avian Influenza Subtype H5N1 Status of Saxony, Germany

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination regarding the highly pathogenic avian influenza (HPAI) subtype H5N1 status of Saxony, Germany, following an outbreak in 2008. Based on our assessment of the animal health status of Saxony, Germany, 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 Saxony, Germany, presents a low risk of introducing HPAI H5N1 into the United States.

DATES: *Effective Date:* This determination will be effective on October 8, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. Julia Punderson, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-4356.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 2009, we published in the **Federal Register** (74 FR 28008-28009, Docket No. APHIS-2008-0121) a notice¹ in which we announced the availability for review and comment of an assessment of the animal health status of Saxony, Germany, relative to highly pathogenic avian influenza (HPAI) subtype H5N1. In the assessment, titled "APHIS' Evaluation of the Status of High Pathogenicity Avian Influenza H5N1 (HPAI H5N1) in Saxony, Germany" (February 2009), we presented the results of our evaluation of the prevalence of HPAI H5N1 in domestic poultry in light of the actions taken by German animal health authorities during and since the outbreak of HPAI H5N1 that occurred in Saxony in 2008.

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

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

In our June 2009 notice we stated that if, after the close of the comment period, we could identify no additional risk factors that would indicate that domestic poultry in Saxony, Germany, continue to be affected with HPAI H5N1, 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 Saxony, Germany, presents a low risk of introducing HPAI H5N1 into the United States.

We solicited comments on the notice for 30 days ending on July 13, 2009. We received no comments on our assessment by that date. Therefore we are removing certain restrictions on the importation of these products from Saxony, Germany, into the United States. Specifically:

- We are no longer requiring that processed poultry products from Saxony, Germany, 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 Saxony, Germany, to enter the United States in passenger luggage; and
- We are removing restrictions regarding Saxony, Germany, from which processed poultry products may originate in order to be allowed entry into the United States in passenger luggage.

However, live birds from Saxony, Germany, 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.

Done in Washington, DC, this 17th day of September 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-22931 Filed 9-22-09; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2009-0015]

Notice of Determination of the Highly Pathogenic Avian Influenza Subtype H5N1 Status of Suffolk and Norfolk Counties in England

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination regarding the highly pathogenic avian influenza (HPAI) subtype H5N1 status of Suffolk and Norfolk Counties, England, following outbreaks in 2007. Based on an evaluation of the animal health status of Suffolk and Norfolk Counties, England, 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 Suffolk and Norfolk Counties, England, presents a low risk of introducing HPAI H5N1 into the United States.

DATES: *Effective Date:* This determination will be effective on October 8, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. Ingrid Kotowski, Import Risk Analyst, Regionalization Evaluation Services International, National Center for Import and Export, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855-7732.

SUPPLEMENTARY INFORMATION:**Background**

On May 7, 2009, we published in the **Federal Register** (74 FR 21312-21313, Docket No. APHIS-2009-0015) a notice¹ in which we announced the availability, for review and comment, of an evaluation of the animal health status of Suffolk and Norfolk Counties, England, relative to highly pathogenic avian influenza (HPAI) subtype H5N1. In the evaluation, titled "Evaluation of the Highly Pathogenic Avian Influenza H5N1 Status of Suffolk and Norfolk Counties, England" (January 2009), we presented the results of our evaluation of the status of HPAI H5N1 in domestic poultry in Suffolk and Norfolk Counties, England, in light of the actions taken by the United Kingdom's (UK) animal health authorities since the outbreaks in 2007.

Our evaluation concluded that the UK was able to effectively control and eradicate HPAI H5N1 in their domestic poultry populations and that animal health authorities have adequate control measures in place to rapidly identify, control, and eradicate the disease should it be reintroduced into the UK's wild birds or domestic poultry population.

In our May 2009 notice, we stated that if after the close of the comment period we could identify no additional risk factors that would indicate that domestic poultry in Suffolk and Norfolk Counties, England, continue to be affected with HPAI H5N1, 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 Suffolk and Norfolk Counties, England, presents a low risk of introducing HPAI H5N1 into the United States.

We solicited comments on the evaluation for 30 days ending on June 9, 2009. We received one comment by that date, from a poultry breeding and genetics firm. The commenter agreed with the findings of our assessment.

Therefore we are removing our prohibition on the importation of these products from Suffolk and Norfolk Counties, England, into the United States. Specifically:

- We are no longer requiring that processed poultry products from Suffolk and Norfolk Counties, England, 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 Suffolk and Norfolk Counties, England, to enter the United States in passenger luggage; and
- We are removing restrictions regarding the regions of Suffolk and Norfolk Counties, England, from which processed poultry products may originate in order to be allowed entry into the United States in passenger luggage.

However, live birds from Suffolk and Norfolk Counties, England, 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.

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.

Done in Washington, DC, this 17th day of September 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-22929 Filed 9-22-09; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[Application No. 84-20A12]

Export Trade Certificate of Review

ACTION: Notice of Issuance (#84-20A12) of an Amended Export Trade Certificate of Review to Northwest Fruit Exporters.

SUMMARY: On September 16, 2009, the Export Trading Company Affairs Office, International Trade Administration, U.S. Department of Commerce, issued an amended Export Trade Certificate of Review ("Certificate") to Northwest Fruit Exporters ("NFE").

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Acting Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or by e-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2006).

Export Trading Company Affairs ("ETCA") is issuing this notice pursuant to 15 CFR section 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under section 305(a) of the Act (15 U.S.C. sections 4001-21) and 15 CFR section 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate:
The original NFE Certificate (No. 84-00012) was issued on June 11, 1984 (49 FR 24581, June 14, 1984), and last amended on September 18, 2008 (73 FR 54561, September 22, 2008).

NFE's Export Trade Certificate of Review has been amended to:

1. *Add the following companies as new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.1):* Cervantes Orchards & Vineyards LLC, Grandview, WA; Columbia Valley Fruit, L.L.C., Yakima, WA; Conrad & Gilbert Fruit, Grandview, WA; Diamond Fruit Growers, Odell, OR; Orchard View Farms, Inc., The Dalles, OR; and Wenoka Sales LLC, Wenatchee, WA.

2. *Delete the following companies as Members of the Certificate:* Clasen Fruit

¹ To view the notice, the evaluation, and the comment we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0015>.