

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 354

[Docket No. APHIS-2009-0048]

RIN 0579-AC99

#### User Fees for Agricultural Quarantine and Inspection Services

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule; withdrawal.

**SUMMARY:** This document withdraws the interim rule published in the **Federal Register** on September 28, 2009, adjusting the user fees charged for certain agricultural quarantine and inspection services provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the customs territory of the United States. That interim rule was originally scheduled to become effective on October 1, 2009, but on October 2, 2009, we published in the **Federal Register** a second document delaying the effective date until November 1, 2009. We have now decided to withdraw the interim rule in order to explore other regulatory alternatives.

**DATES:** The withdrawal of the interim rule amending 7 CFR part 354 published at 74 FR 49311-49315 on September 28, 2009, and delayed in a document published at 74 FR 50915 on October 2, 2009, is effective October 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** For information concerning program operations, contact Mr. William E. Thomas, Director, Quarantine Policy, Analysis, and Support, PPQ, APHIS, 4700 River Road Unit 131, Riverdale, MD 20737; (301) 7345214. For information concerning rate

development, contact Mrs. Kris Caraher, User Fee Section, Financial Services Branch, Financial Management Division, MRPBS, APHIS, 4700 River Road Unit 55, Riverdale, MD 20737-1232; (301) 734-0882.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule<sup>1</sup> published in the **Federal Register** on September 28, 2009 (74 FR 49311-49315, Docket No. APHIS-2009-0048), we amended the user fee regulations in 7 CFR part 354 by adjusting the fees charged for certain agricultural quarantine and inspection (AQI) services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the customs territory of the United States. The rule was scheduled to become effective on October 1, 2009. On October 2, 2009, however, we published a second document in the **Federal Register** (74 FR 50915, Docket No. APHIS-2009-0048) delaying the effective date of the interim rule until November 1, 2009. The delay was intended to provide entities affected by the changes in AQI user fees additional time to make the necessary preparations to comply with the new fees. In conjunction with the delay, public meetings on the interim rule were held in Riverdale, MD, on October 15 and October 27, 2009. Transcripts of the meetings will be made available on the Regulations.gov Web site.<sup>2</sup>

We have now decided to withdraw the interim rule in order to explore other regulatory alternatives.

Accordingly, the interim rule amending 7 CFR part 354 published at 74 FR 49311-49315 on September 28, 2009, and delayed in a document published at 74 FR 50915 on October 2, 2009, is withdrawn effective October 30, 2009.

**Authority:** 7 U.S.C. 7701-7772, 7781-7786, and 8301-8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

<sup>1</sup> To view the interim rule and the delay of effective date, go to: <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0048>.

<sup>2</sup> See footnote 1.

Done in Washington, DC, this 30th day of October 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9-26518 Filed 10-30-09; 4:15 pm]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 966

[Doc. No. AMS-FV-09-0063; FV09-966-2 IFR]

#### Tomatoes Grown in Florida; Decreased Assessment Rate

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

**ACTION:** Interim final rule.

**SUMMARY:** This rule decreases the assessment rate established for the Florida Tomato Committee (Committee) for the 2009-10 and subsequent fiscal periods from \$0.0375 to \$0.0275 per 25-pound carton of tomatoes handled. The Committee locally administers the marketing order, which regulates the handling of tomatoes grown in Florida. Assessments upon Florida tomato handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Effective November 5, 2009. Comments received by January 4, 2010, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or Internet: <http://www.regulations.gov>. Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this