



Federal Register

**Monday,
April 26, 2010**

Part III

**Department of
Agriculture**

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2010

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S.

Department of Agriculture (USDA) in conformance with Executive Order 12866 “Regulatory Planning and Review.”

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA’s complete regulatory agenda is available online at www.reginfo.gov. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C.

602), USDA’s printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-3275.

Dated: March 9, 2010.

Michael Poe,

Chief, Legislative and Regulatory Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	National Organic Program: Dairy Replacement Animals (Livestock)	0581-AC69
2	National Organic Program, Sunset (2011) (Crops and Processing) (TM-07-14)	0581-AC77

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3	National Dairy Promotion and Research Program; Dairy Import Assessments	0581-AC87
4	National Organic Program: Amendments to the National List (Crops, Livestock, and Processing) TM-08-06	0581-AC91

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
5	National Organic Program: Access to Pasture, TM-05-14	0581-AC57

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
6	Emergency Forest Restoration Program	0560-AH89
7	Biomass Crop Assistance Program	0560-AH92
8	Farm Loan Programs Loan Making Activities	0560-AI03
9	Conservation Loan Guarantee Program	0560-AI04

USDA

Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
10	Loan Servicing; Farm Loan Programs	0560-AI05

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
11	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review)	0579-AB24
12	Animal Welfare; Regulations and Standards for Birds	0579-AC02
13	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products	0579-AC68
14	Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish	0579-AC74
15	Importation of Lemons From Northwest Argentina	0579-AC79
16	Scrapie in Sheep and Goats	0579-AC92
17	Plant Pest Regulations; Update of General Provisions	0579-AC98
18	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts	0579-AD10

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
19	Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment (Rulemaking Resulting From a Section 610 Review)	0579-AC03
20	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579-AC05
21	Citrus Canker; Quarantine of the State of Florida	0579-AC07
22	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza	0579-AC36
23	Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations	0579-AC85

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
24	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
25	Phytophthora Ramorum; Quarantine and Regulations	0579-AB82
26	Boll Weevil; Quarantine and Regulations	0579-AB91
27	Minimum Age Requirements for the Transport of Animals	0579-AC14
28	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579-AC31
29	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warm-Blooded Animals Other Than Marine Mammals	0579-AC41
30	Handling of Animals; Contingency Plans	0579-AC69
31	Light Brown Apple Moth Quarantine	0579-AC71
32	Sirex Woodwasp; Quarantine and Regulations	0579-AC86

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
33	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
34	Tuberculosis in Cattle; Import Requirements (Completion of a Section 610 Review)	0579-AB44
35	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579-AB97

USDA

Animal and Plant Health Inspection Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
36	National Veterinary Accreditation Program (Completion of a Section 610 Review)	0579-AC04
37	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border	0579-AC06
38	Tuberculosis in Cattle; Import Requirements for Roping Steers	0579-AC50
39	Importation of Cattle From Mexico; Addition of Port at San Luis, Arizona	0579-AC63
40	Importation of Grapes From Chile Under a Systems Approach	0579-AC82

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
41	Guaranteed Single-Family Housing	0575-AC18

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
42	Mandatory Inspection of Catfish and Catfish Products	0583-AD36

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
43	Performance Standards for the Production of Processed Meat and Poultry Products; Control of <i>Listeria Monocytogenes</i> in Ready-To-Eat Meat and Poultry Products	0583-AC46
44	Federal-State Interstate Shipment Cooperative Inspection Program	0583-AD37

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
45	Special Areas; State-Specific Inventoried Roadless Area Management: Colorado	0596-AC74

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
46	Designation of Biobased Items for Federal Procurement, Round 7	0503-AA36
47	Designation of Biobased Items for Federal Procurement, Round 8	0503-AA39
48	Revised Program Guidelines	0503-AA40

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
49	Voluntary Labeling Program for Designated Biobased Products	0503-AA35

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Proposed Rule Stage

**1. NATIONAL ORGANIC PROGRAM:
DAIRY REPLACEMENT ANIMALS
(LIVESTOCK)**
Legal Authority: 7 USC 6501

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced products. Since implementation of the NOP, some members of the public have advocated for amending the regulations for sourcing dairy replacement animals. They have asserted that the current regulatory language on sourcing dairy replacement animals lacks clarity, has established an inequitable two track system, and has harmed organic dairy producers by creating an environment that has prevented the development of a market for organic dairy replacement animals. They seek amendment to the regulations to require that once a dairy operation has converted to organic production all future animals be organic from the last third of gestation.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
Final Action	03/00/11	

**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Shannon H. Nally, Acting Director, Standards Division, NOP, Department of Agriculture, Agricultural Marketing Service, Room 2646–South Building, 14th & Independence Avenue SW, Washington, DC 20250
Phone: 202 720–3252
Email: shannon.nally@usda.gov

RIN: 0581–AC69
**2. NATIONAL ORGANIC PROGRAM,
SUNSET (2011) (CROPS AND
PROCESSING) (TM–07–14)**
Legal Authority: 7 USC 6501

Abstract: The Agricultural Marketing Service (AMS) is amending regulations pertaining to the National List of Allowed and Prohibited Substances. As required by the National Organic Foods Production Act of 1990, the allowed use of the 12 synthetic and non-synthetic substances in organic production and handling will expire on September 12, 2011. The AMS published an advance notice of proposed rulemaking to make the public aware of this requirement. AMS

believes that public comment is essential in the review process to determine whether these substances should continue to be allowed or prohibited in the production and handling of organic agricultural products.

Timetable:

Action	Date	FR Cite
ANPRM	03/14/08	73 FR 13795
ANPRM Comment Period End	05/13/08	
NPRM	10/00/10	
Final Action	08/00/11	

**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Shannon H. Nally, Acting Director, Standards Division, NOP, Department of Agriculture, Agricultural Marketing Service, Room 2646–South Building, 14th & Independence Avenue SW, Washington, DC 20250
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RIN: 0581–AC77
Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Final Rule Stage

**3. NATIONAL DAIRY PROMOTION
AND RESEARCH PROGRAM; DAIRY
IMPORT ASSESSMENTS**
Legal Authority: 7 USC 4501 to 4514; 7 USC 7401

Abstract: The Dairy Act authorizes the Order for dairy product promotion, research, and nutrition education as part of a comprehensive strategy to increase human consumption of milk and dairy products and to reduce milk surpluses. The program functions to strengthen the dairy industry's position in the marketplace by maintaining and expanding domestic and foreign consumption of fluid milk and dairy products. Amendments to the Order are pursuant to the 2002 and 2008 Farm Bills. The 2002 Farm Bill mandates that the Order be amended to implement an assessment on imported dairy products to fund promotion and research. The 2008 Farm Bill specifies a mandatory assessment rate of 7.5-cent per hundredweight of milk, or equivalent

thereof, on dairy products imported into the United States. Additionally, in accordance with the 2008 Farm Bill, the term "United States" is the Dairy Act is amended to mean all States, the District of Columbia, and the Commonwealth of Puerto Rico. Producers in these areas will be assessed 15 cents per hundredweight for all milk produced and marketed.

Timetable:

Action	Date	FR Cite
NPRM	05/19/09	74 FR 23359
NPRM Comment Period End	06/18/09	
Final Action	10/00/10	

**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Whitney Rick, Promotion and Research Branch Chief, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
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Fax: 202 720–0285
Email: whitney.rick@usda.gov

RIN: 0581–AC87
**4. NATIONAL ORGANIC PROGRAM:
AMENDMENTS TO THE NATIONAL
LIST (CROPS, LIVESTOCK, AND
PROCESSING) TM–08–06**
Legal Authority: 7 USC 6517 and 6518

Abstract: The Agricultural Marketing Service is amending the National List of Allowed and Prohibited Substances contained in the National Organic Program regulations. This rule would add six new substances and remove one from the list.

Timetable:

Action	Date	FR Cite
NPRM	06/03/09	74 FR 26591
NPRM Comment Period End	08/03/09	
Final Action	06/00/10	

USDA—AMS

Final Rule Stage

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shannon H. Nally, Acting Director, Standards Division,

NOP, Department of Agriculture, Agricultural Marketing Service, Room 2646—South Building, 14th & Independence Avenue SW, Washington, DC 20250

Phone: 202 720—3252
Email: shannon.nally@usda.gov

RIN: 0581—AC91

**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)**

Completed Actions

5. NATIONAL ORGANIC PROGRAM: ACCESS TO PASTURE, TM—05—14

Legal Authority: 7 USC 6501 et seq

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced agricultural products. Since implementation of the NOP, some members of the public have advocated for a more explicit regulatory standard on the relationship between livestock,

particularly dairy animals, and grazing land. They have asserted the current regulatory language on access to pasture for ruminants and temporary confinement based on an animal's stage of production, when applied together, do not provide a uniform requirement for the pasturing of ruminant animals that meet the principles underlying an organic management system for livestock and livestock products that consumers expect. Comments received as a result of the proposed rule will assist in determining the Agency's next steps in rulemaking on this issue.

Completed:

Reason	Date	FR Cite
Final Action:	02/17/10	75 FR 7154
Comments Requested		
Comments Due	04/19/10	75 FR 7154

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shannon H. Nally
Phone: 202 720—3252
Email: shannon.nally@usda.gov

RIN: 0581—AC57

BILLING CODE 3410—02—S

**Department of Agriculture (USDA)
Farm Service Agency (FSA)**

Proposed Rule Stage

6. EMERGENCY FOREST RESTORATION PROGRAM

Legal Authority: PL 110—246

Abstract: We are adding a new subpart to the regulations in 7 CFR part 701 to implement the Emergency Forest Restoration Program (EFRP), which was authorized by the 2008 Farm Bill. EFRP will provide cost-share funding to owners of nonindustrial private forest land to restore the land after the land is damaged by a natural disaster. The damaged land must have had a tree cover immediately before the natural disaster. The 2008 Farm Bill authorized such funds as may be necessary to be appropriated to carry out this program; the appropriated amounts are to remain available until expended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250—0572

Phone: 202 205—5851
Fax: 202 720—5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560—AH89

7. BIOMASS CROP ASSISTANCE PROGRAM

Legal Authority: PL 110—246

Abstract: We are adding a new regulation to implement the Biomass Crop Assistance Program (BCAP) as required by the 2008 Farm Bill. We will collaborate with USDA/Rural Development (RD), private industry and agricultural and forest land owners to support the evaluation and selection of BCAP project areas. BCAP project areas must include a commitment to use local production; evidence of sufficient equity (if the facility is not operational at the time of proposal); anticipated economic impacts; opportunities for local ownership; the participation rate by beginning and socially disadvantaged farmers and ranchers; the impact on soil, water, and related resources; and the variety in biomass production approaches. FSA will partner with RD, which has capability and responsibility, including the potential for providing funding for

proposed biomass conversion facility, regarding BCAP project area evaluation and selection. After BCAP project area selection, FSA, acting on behalf of the Commodity Credit Corporation (CCC), may enter into contracts with BCAP project area producers for a term of up to 5 years for annual and perennial crops, and up to 15 years for woody biomass.

Timetable:

Action	Date	FR Cite
Notice	10/01/08	73 FR 57047
Notice—EIS	05/13/09	
Notice Comment Period End	06/12/09	
Notice—NOFA	06/11/09	74 FR 27767
Notice Comment Period End	08/10/09	
Notice—EIS	08/10/09	74 FR 39915
Notice Comment Period End	09/24/09	
NPRM	02/08/10	75 FR 6264
NPRM Comment Period End	04/09/10	
Final Rule	09/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm

USDA—FSA

Proposed Rule Stage

Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572
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 Fax: 202 720-5233
 Email: deirdre.holder@wdc.usda.gov
 RIN: 0560-AH92

8. FARM LOAN PROGRAMS LOAN MAKING ACTIVITIES

Legal Authority: PL 110-246

Abstract: The rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion involved in the implementation. The sections being implemented are: 5001, Direct Loans; 5005, Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program Down Payment Loan Program; 5101, Farming Experience as an Eligibility Requirement; 5201, Eligibility of Equine Farmers and Ranchers for Emergency Loans; 5301, Beginning Farmer and Rancher Individual Development Accounts Pilot Program; and 5501, Loans to Purchase Highly Fractionated Land.

A Beginning Farmer and Rancher Individual Development Accounts five-year pilot program will be established in at least 15 States. The program entails FSA making grants to qualified nonprofit organizations who then deliver the program to eligible participants. Grantees must match 50 percent of the grant received. Under the program, qualified, low-income beginning farmers or prospective beginning farmers would establish saving accounts with a monthly deposit plan administered by the grantees. The program funds must match the

participants' deposits at a minimum of 100 percent and a maximum of 200 percent. Participants must use the savings account funds toward the purchase of farmland, livestock, or similar farm start-up/operating expenses. The program must be operated by and in conjunction with FSA farm loan programs. The initial applications for the program must be approved no more than one year after the law is enacted. The program is not mandatory; an appropriation of up to \$5 million annually is authorized to fund the program.

Individual tribal members will be allowed to qualify for Indian Land Acquisition loans.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
NPRM Comment Period End	06/00/10	
Final Rule	09/00/10	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AI03

9. CONSERVATION LOAN GUARANTEE PROGRAM

Legal Authority: PL 110-246

Abstract: The rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan

Making Division (LMD); there is discretion in how several of the provisions are implemented. The section being implemented is 5002, Conservation Loan and Loan Guarantee. Implementation of this provision will create a new direct and guaranteed loan program directed at assisting farmers in implementing conservation practices.

The rule establishes a new loan and loan guarantee program to finance qualifying conservation projects. All guarantees will be at 75 percent of the loan amount. The applicant must have an acceptable conservation plan that includes the project(s) to be financed. Preference is given to beginning farmer and socially disadvantaged applicants, conversion to sustainable or organic production practices, and compliance with highly erodible land conservation requirements. Eligibility for the program is not restricted to those who cannot get credit elsewhere. The program is not mandatory; appropriations are authorized.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
NPRM Comment Period End	06/00/10	
Final Rule	09/00/10	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572
 Phone: 202 205-5851
 Fax: 202 720-5233
 Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AI04

Department of Agriculture (USDA) Farm Service Agency (FSA)

Final Rule Stage

10. LOAN SERVICING; FARM LOAN PROGRAMS

Legal Authority: PL 110-246

Abstract: The 2008 Farm Bill requires several changes to the Farm Service Agency (FSA) Farm Loan Program (FLP) loan servicing regulations. An overall plan will be established to insure that borrowers can be transitioned to private credit in the shortest timeframe practicable. At

present, FSA monitors the status of all borrowers to determine if graduation is possible. The 2008 Farm Bill emphasizes this responsibility and insures that FSA uses all the tools available to graduate borrowers to commercial credit as soon as they can financially do so. In 2007, over 2,500 direct borrowers (about 3.7 percent of the portfolio) graduated to commercial credit. FSA believes graduation will

continue in the 3 to 5 percent range and is dependant on the overall farm economy.

The right of an FSA borrower-owner to purchase leased property under Homestead Protection will be extended beyond the borrower-owner to the immediate family. Currently, FSA only has 38 properties in Homestead Protection.

USDA—FSA

Final Rule Stage

Acceleration and foreclosure will be suspended on borrowers who file a claim of program discrimination against the Department or have a claim pending. Interest accrual and offset will also be suspended during the time of the moratorium. If the borrower does not prevail in the claim, the interest, which would have accrued during the moratorium, will be due and offset on the account will be reestablished.

Timetable:

Action	Date	FR Cite
NPRM	08/07/09	74 FR 39565
NPRM Comment Period End	10/06/09	
Final Rule	09/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder, Director, Regulatory Review Group,

Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250-0572
Phone: 202 205-5851
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RIN: 0560-AI05

BILLING CODE 3410-05-S

Department of Agriculture (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

11. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 2131 to 2159

Abstract: The U.S. Department of Agriculture regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979 and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. These include standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End	07/29/02	
NPRM	06/00/10	
NPRM Comment Period End	08/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234

Phone: 301 734-7833

RIN: 0579-AB24

12. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS

Legal Authority: 7 USC 2131 to 2159

Abstract: APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
NPRM Comment Period End	11/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Gerald Rushin, Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234
Phone: 301 734-0954

RIN: 0579-AC02

13. BOVINE SPONGIFORM ENCEPHALOPATHY; IMPORTATION OF BOVINES AND BOVINE PRODUCTS

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the regulations regarding the importation of bovines and bovine products. Under this rulemaking, countries would be classified as either negligible risk, controlled risk, or undetermined risk for bovine spongiform encephalopathy (BSE). Some commodities would be allowed importation into the United States regardless of the BSE classification of the country of export. Other commodities would be subject to importation restrictions or prohibitions based on the type of commodity and the BSE classification of the country. The criteria for country classification and commodity import would be closely aligned with those of the World Organization for Animal Health.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
NPRM Comment Period End	10/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christopher Robinson, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 40, Riverdale, MD 20737-1231
Phone: 301 734-7837

RIN: 0579-AC68

USDA—APHIS

Proposed Rule Stage

14. VIRAL HEMORRHAGIC SEPTICEMIA; INTERSTATE MOVEMENT AND IMPORT RESTRICTIONS ON CERTAIN LIVE FISH

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: We are establishing regulations to restrict the interstate movement and importation into the United States of live fish that are susceptible to viral hemorrhagic septicemia, a highly contagious disease of certain fresh and saltwater fish. Viral hemorrhagic septicemia has been detected in freshwater fish in several of the Great Lakes and related tributaries. The disease has been responsible for several large-scale die-offs of wild fish in the Great Lakes region. This action is necessary to prevent further introductions into, and dissemination within, the United States of viral hemorrhagic septicemia. This proposed rule replaces a previously published but not effective interim rule that contained substantially different restrictions on the interstate movement and importation of VHS-susceptible live fish.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/09/08	73 FR 52173
Interim Final Rule Comment Period End	11/10/08	
Interim Final Rule: Delay of Effective Date	10/28/08	73 FR 63867
Interim Final Rule: Effective	01/09/09	
Interim Final Rule: Delay of Effective Date	01/02/09	74 FR 1
NPRM	07/00/10	
NPRM Comment Period End	09/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: P. Gary Egrie, Senior Staff Veterinary Medical Officer, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737-1231
Phone: 301 734-6188

Peter Merrill, Senior Staff Veterinarian, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service,

4700 River Road, Unit 39, Riverdale, MD 20737-1231
Phone: 301 734-8364

RIN: 0579-AC74

15. IMPORTATION OF LEMONS FROM NORTHWEST ARGENTINA

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This rulemaking would amend the fruits and vegetables regulations to allow the importation of lemons from northwest Argentina into the continental United States. Lemons from northwest Argentina would be required to be imported in commercial consignments, produced and packed under specified conditions, treated with a surface disinfectant and inspected for quarantine pests before shipping, and accompanied by a phytosanitary certificate. This action would allow for the importation of lemons from northwest Argentina into the United States while continuing to provide protection against the introduction of quarantine pests.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
NPRM Comment Period End	10/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Meredith Jones, Regulatory Coordination Specialist, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1231
Phone: 301 734-7467

RIN: 0579-AC79

16. SCRAPIE IN SHEEP AND GOATS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks, increasing the use of genetic testing as a means of assigning risk levels to animals, reducing movement restrictions for animals found to be genetically less susceptible or resistant to scrapie, and simplifying, reducing, or removing certain recordkeeping requirements. This action would

provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would change the definition of high-risk animal, which will change the types of animals eligible for indemnity, and to pay higher indemnity for certain pregnant ewes and early maturing ewes. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	
NPRM Comment Period End	08/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Sutton, National Scrapie Program Coordinator, Ruminant Health Programs, NCAHP, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737-1235
Phone: 301 734-6954

RIN: 0579-AC92

17. PLANT PEST REGULATIONS; UPDATE OF GENERAL PROVISIONS

Legal Authority: 7 USC 450; 7 USC 2260; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8817; 19 USC 136; 21 USC 111; 21 USC 114a; 21 USC 136 and 136a; 31 USC 9701; 42 USC 4331 to 4332

Abstract: We are proposing to revise our regulations regarding the movement of plant pests. We are proposing to regulate the movement of not only plant pests, but also biological control organisms and associated articles. We are proposing risk-based criteria regarding the movement of biological control organisms, and are proposing to exempt certain types of plant pests from permitting requirements for their interstate movement and movement for environmental release. We are also proposing to revise our regulations regarding the movement of soil, and to establish regulations governing the biocontainment facilities in which plant pests, biological control organisms, and associated articles are held. This proposed rule replaces a

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previously published proposed rule, which we are withdrawing as part of this document. This proposal would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms, facilitate the movement of regulated organisms and articles in a manner that also protects U.S. agriculture, and address gaps in the current regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement	10/20/09	74 FR 53673
Notice Comment Period End	11/19/09	
NPRM	04/00/10	
NPRM Comment Period End	06/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shirley Wager–Page, Chief, Pest Permitting Branch, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1236

Phone: 301 734–8453

RIN: 0579–AC98

18. • BOVINE SPONGIFORM ENCEPHALOPATHY AND SCRAPIE; IMPORTATION OF SMALL RUMINANTS AND THEIR GERMPASM, PRODUCTS, AND BYPRODUCTS

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. Some countries from which such imports would be allowed under this rule are currently those from which the importation of live sheep, goats, wild ruminants, their embryos, and ruminant products and byproducts are prohibited under existing BSE regulations. Some products would be allowed importation without restriction due to the inherent lack of BSE risk regarding the product. Certain other products and live animals would be

allowed importation if it can be certified that the live animals or the animals from which the products were derived were born after implementation of an effective feed ban. The proposed scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/10	
NPRM Comment Period End	12/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Betzaida Lopez, Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231
Phone: 301 734–5677

RIN: 0579–AD10

Department of Agriculture (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

19. IMPORTATION OF PLANTS FOR PLANTING; ESTABLISHING A NEW CATEGORY OF PLANTS FOR PLANTING NOT AUTHORIZED FOR IMPORTATION PENDING RISK ASSESSMENT (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This action would establish a new category in the regulations governing the importation of nursery stock, also known as plants for planting. This category would list taxa of plants for planting whose importation is not authorized pending risk assessment. We would allow foreign governments to request that a pest risk assessment be conducted for a taxon whose importation is not authorized pending risk evaluation. After the pest risk assessment was completed, we would conduct

rulemaking to remove the taxon from the proposed category if determined appropriate by the risk assessment. We are also proposing to expand the scope of the plants regulated in the plants for planting regulations to include non-vascular plants. These changes would allow us to react more quickly to evidence that a taxon of plants for planting may pose a pest risk while ensuring that our actions are based on scientific evidence.

Timetable:

Action	Date	FR Cite
NPRM	07/23/09	74 FR 36403
NPRM Comment Period End	10/21/09	
Final Rule	07/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Arnold T. Tschanz, Senior Risk Manager, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and

Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231
Phone: 301 734–5306

RIN: 0579–AC03

20. CITRUS CANCER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action follows a rulemaking that established provisions under which eligible commercial citrus nurseries may, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to eradicate or control citrus canker. The payment of these funds is necessary in order to reduce the economic effects on affected commercial citrus nurseries that have had certified citrus nursery stock destroyed to control citrus canker.

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Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/06	71 FR 33168
Interim Final Rule Effective	06/08/06	
Interim Final Rule Comment Period End	08/07/06	
Final Action	04/00/10	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Stephen Poe, Senior Operations Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231

Phone: 301 734-4387

RIN: 0579-AC05**21. CITRUS CANCKER; QUARANTINE OF THE STATE OF FLORIDA****Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action follows an interim rule that amended the citrus canker regulations to list the entire State of Florida as a quarantined area for citrus canker and amended the requirements for the movement of regulated articles from Florida now that the eradication of citrus canker in Florida is no longer being carried out as an objective. It also amended the regulations to allow regulated articles that would not otherwise be eligible for interstate movement to be moved to a port for immediate export. These changes were necessary in light of the Department's determination that the established eradication program was no longer a scientifically feasible option to address citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/06	71 FR 43345
Interim Final Rule Effective	08/01/06	
Interim Final Rule Comment Period End	10/02/06	
Technical Amendment	01/12/07	72 FR 1415
Final Action	09/00/10	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Stephen Poe, Senior Operations Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231

Phone: 301 734-4387

RIN: 0579-AC07**22. IMPORTATION OF POULTRY AND POULTRY PRODUCTS FROM REGIONS AFFECTED WITH HIGHLY PATHOGENIC AVIAN INFLUENZA****Legal Authority:** 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza other than subtype H5N1. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1. The new restrictions will be almost identical to those imposed on articles from regions with exotic Newcastle disease.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/10	
Interim Final Rule Comment Period End	06/00/10	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Julia Punderson, Senior Staff Veterinarian, NCIE, Animal Health Policy and Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737

Phone: 301 734-4356

RIN: 0579-AC36**23. CITRUS GREENING AND ASIAN CITRUS PSYLLID; QUARANTINE AND INTERSTATE MOVEMENT REGULATIONS****Legal Authority:** 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This rulemaking will establish regulations that designate the States of Florida and Georgia, Puerto Rico, two parishes in Louisiana, and two counties in South Carolina as quarantined areas for citrus greening and Alabama, Florida, Guam, Hawaii, Puerto Rico, Louisiana, Mississippi, Texas, three counties in South Carolina, portions of one county in Arizona, and all of three and portions of an additional three counties in California as quarantined areas for Asian citrus psyllid, a vector of a bacterium that causes citrus greening. It also establishes restrictions on the interstate movement of regulated articles from the quarantined areas, as well as treatments under which Asian Citrus psyllid host material may be moved interstate from a quarantined area. These actions follow the discovery of citrus greening and/or Asian citrus psyllid in the quarantined areas, and are necessary in order to prevent the spread of the disease and its vector to noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Availability of an Environmental Assessment	09/09/09	74 FR 46409
Environmental Assessment Comment Period End	11/09/09	
Interim Final Rule	04/00/10	
Interim Final Rule Comment Period End	06/00/10	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Patrick J. Gomes, National Project Coordinator, Citrus Health Response Program, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606-5213

Phone: 919 855-7313

RIN: 0579-AC85

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Animal and Plant Health Inspection Service (APHIS)
Long-Term Actions
24. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This rule will require that a phytosanitary certificate accompany noncommercial consignments of fresh fruits and vegetables imported into the United States by air passengers.

Timetable:

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	
NPRM; Availability of Risk Assessment	05/24/06	71 FR 29846
NPRM; Availability of Risk Assessment Comment Period End	07/24/06	

Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evelia Sosa
Phone: 301 734-8295

RIN: 0579-AB18

25. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action will amend the Phytophthora ramorum regulations to make the regulations consistent with a Federal Order issued by APHIS in December 2004 that established restrictions on the interstate movement of nursery stock from nurseries in nonquarantined counties in California, Oregon, and Washington. This action will also update conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restrict the interstate movement of all other nursery stock from nurseries in quarantined areas. We are also updating the list of plants regulated because of *P. ramorum* and the list of areas that are quarantined for *P. ramorum* and making other miscellaneous revisions to the regulations. These actions are necessary to prevent the spread of *P. ramorum*

to noninfested areas of the United States. We will continue to update the regulations through additional rulemakings as new scientific information on this pathogen becomes available.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/07	72 FR 8585
Interim Final Rule Effective	02/27/07	
Interim Final Rule Comment Period End	04/30/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Prakash Hebbar
Phone: 301 734-5717

RIN: 0579-AB82

26. BOLL WEEVIL; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action would establish domestic boll weevil regulations that would restrict the interstate movement of regulated articles within regulated areas and from regulated areas into or through nonregulated areas in commercial cotton-producing States. The regulations would help prevent the artificial spread of boll weevil into noninfested areas of the United States and the reinfestation of areas from which the boll weevil has been eradicated.

Timetable:

Action	Date	FR Cite
NPRM	10/31/06	71 FR 63707
NPRM Comment Period End	01/02/07	
NPRM Comment Period Extended	12/20/06	71 FR 76224
NPRM Comment Period End	02/01/07	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Grefenstette
Phone: 301 734-8676

RIN: 0579-AB91

27. MINIMUM AGE REQUIREMENTS FOR THE TRANSPORT OF ANIMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations by adding minimum age and weaning requirements for the transport in commerce of animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for other regulated animals, despite the risks associated with the early transport of these species. The rule would also provide an exemption to allow animals to be transported without their mothers for medical treatment and for scientific research before reaching the minimum age and weaning requirement, provided certain conditions are met. Establishing minimum age requirements for the transport of animals and providing for the transport of animals that have not met the minimum age requirements are necessary to help ensure the humane treatment of these animals.

Timetable:

Action	Date	FR Cite
NPRM	05/09/08	73 FR 26344
NPRM Comment Period End	07/08/08	
NPRM Comment Period Reopened	07/31/08	73 FR 44671
NPRM Comment Period Extended	09/02/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn
Phone: 301 734-7833

RIN: 0579-AC14

28. INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 31 USC 9701

Abstract: This rulemaking would revise the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to bring the regulations into alignment with provisions of the Plant Protection Act. The revisions would also update the regulations in response to advances in genetic science and technology and our accumulated experience in implementing the current regulations. This is the first comprehensive review and revision of the regulations since they were established in 1987. This rule would

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affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement	01/23/04	69 FR 3271
Comment Period End	03/23/04	
Notice of Availability of Draft Environmental Impact Statement	07/17/07	72 FR 39021
Comment Period End	09/11/07	
NPRM	10/09/08	73 FR 60007
NPRM Comment Period End	11/24/08	
Correction	11/10/08	73 FR 66563
NPRM Comment Period Reopened	01/16/09	74 FR 2907
NPRM Comment Period End	03/17/09	
NPRM; Notice of Public Scoping Session	03/11/09	74 FR 10517
NPRM Comment Period Reopened	04/13/09	74 FR 16797
NPRM Comment Period End	06/29/09	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: John Turner

Phone: 301 734-5720

RIN: 0579-AC31

29. ANIMAL WELFARE; CLIMATIC AND ENVIRONMENTAL CONDITIONS FOR TRANSPORTATION OF WARM-BLOODED ANIMALS OTHER THAN MARINE MAMMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations regarding transportation of live animals other than marine mammals by removing the current ambient temperature requirements for various stages in the transportation of those animals. The action would replace those requirements with a single performance standard under which the animals would be transported under climatic and environmental conditions that are appropriate for their welfare. The regulations currently require that ambient temperatures be maintained within certain ranges during

transportation, but animals may be transported at ambient temperatures below the minimum temperatures if their consignor provides a certificate signed by a veterinarian certifying that the animals are acclimated to temperatures lower than the minimum temperature. This proposal would make acclimation certificates for live animals other than marine mammals unnecessary. This rule would replace a previously published proposed rule, which we are withdrawing as part of this document, that would have required that the acclimation certificate for a dog or cat be signed by the owner of the dog or cat being transported rather than by a veterinarian. This rulemaking does not address marine mammals due to their unique requirements for care and handling. We believe that establishing a single performance standard would ensure that warm-blooded animals other than marine mammals are transported in climatic and environmental conditions that are not detrimental to their welfare while allowing for variations in climatic and environmental conditions that are suitable for individual animals.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 413
NPRM Comment Period End	03/03/08	
NPRM Comment Period Reopened	03/18/08	73 FR 14403
NPRM Comment Period End	04/17/08	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Gerald Rushin

Phone: 301 734-0954

RIN: 0579-AC41

30. HANDLING OF ANIMALS; CONTINGENCY PLANS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking will amend the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. These requirements are necessary because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better

prepare for potential disasters. This action will heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

Timetable:

Action	Date	FR Cite
NPRM	10/23/08	73 FR 63085
NPRM Comment Period End	12/22/08	
NPRM Comment Period Extended	12/19/08	73 FR 77554
NPRM Comment Period End	02/20/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Jeanie Lin

Phone: 301 734-7833

RIN: 0579-AC69

31. LIGHT BROWN APPLE MOTH QUARANTINE

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: We are quarantining 16 counties in California and the entire State of Hawaii because of the light brown apple moth and restricting the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the light brown apple moth into noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Andrea Simao

Phone: 301 734-0930

RIN: 0579-AC71

32. SIREX WOODWASP; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This rulemaking will quarantine counties in Michigan, New Jersey, New York, Ohio, Pennsylvania, and Vermont because of the Sirex woodwasp and establish restrictions on the interstate movement of regulated articles from these quarantined areas.

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This action is necessary on an emergency basis to prevent the artificial spread of this plant pest to noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lynn Evans–Goldner
Phone: 301 734–7228

RIN: 0579–AC86

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33. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY

Legal Authority: 7 USC 8301 to 8317

Abstract: This rule would amend the regulations for the cooperative control and eradication of foot-and-mouth disease (FMD) and other serious diseases, including both cooperative programs and extraordinary emergencies. The purpose of this rule is to remove possible sources of delay in eradicating foot-and-mouth disease, should an occurrence of that disease occur in this country, so that eligible claimants will be fully compensated while at the same time protecting the U.S. livestock population from the further spread of this highly contagious disease.

Completed:

Reason	Date	FR Cite
Withdrawn: No Action Anticipated Within the Next 12 Months	02/02/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mark Teachman
Phone: 301 734–8073

RIN: 0579–AB34

34. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the regulations regarding the importation of animals into the United States to establish several levels of risk classifications to be applied to foreign regions with regard to tuberculosis and to establish requirements governing the importation of cattle and captive bison based on each risk classification. These changes are necessary to help ensure that cattle and captive bison infected

with tuberculosis are not imported into the United States.

Timetable:

Action	Date	FR Cite
Withdrawn: APHIS Will Address This Issue as Part of a Broader Approach	02/02/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kelly Rhodes, Senior Staff Veterinarian, Regionalization and Evaluation Services, ISTIT, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231
Phone: 301 734–4356

RIN: 0579–AB44

35. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES; UNSEALING OF MEANS OF CONVEYANCE AND TRANSLOADING OF PRODUCTS

Legal Authority: 7 USC 450; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701; 42 USC 4331 and 4332

Abstract: In a final rule published in the Federal Register on January 4, 2005, we amended the regulations regarding the importation of animals and animal products to establish a category of regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States via live ruminants and ruminant products and byproducts, and added Canada to this category. We also established conditions for the importation of certain live ruminants and ruminant products and byproducts from such regions. This rule will amend the regulations to broaden who is authorized to break seals on means of conveyances carrying certain ruminants of Canadian origin.

Additionally, it will amend the regulations regarding the transiting through the United States of certain ruminant products from Canada to allow for direct transloading of the products from one means of conveyance to another in the United States under Federal supervision. These actions will contribute to the humane treatment of ruminants shipped to the United States from Canada and remove an impediment to international trade, without increasing the risk of the BSE disease agent entering the United States.

Completed:

Reason	Date	FR Cite
Withdrawn: Superseded by the BSE Comprehensive Rule and Will Be Addressed Under RIN 0579–AC68	02/02/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Karen A. James–Preston
Phone: 301 734–8172

RIN: 0579–AB97

36. NATIONAL VETERINARY ACCREDITATION PROGRAM (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 15 USC 1828; 21 USC 136a

Abstract: This rulemaking amends the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the former single category, to add requirements for supplemental training and renewal of accreditation, and to offer program certifications. We are making these changes in order to support the Agency’s animal health safeguarding initiatives, to involve accredited veterinarians in integrated

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surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent. These changes will increase the level of training and skill of accredited veterinarians in the areas of disease prevention and preparedness for animal health emergencies in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/01/06	71 FR 31109
NPRM Comment Period End	07/31/06	
Supplemental NPRM	02/27/07	72 FR 8634
Supplemental NPRM Comment Period End	04/30/07	
Final Rule	12/09/09	74 FR 64998
Final Rule Effective	02/01/10	

Regulatory Flexibility Analysis

Required: No

Agency Contact: Todd Behre, National Veterinary Accreditation Program, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 200, Riverdale, MD 20737

Phone: 301 734-0853

RIN: 0579-AC04

37. AGRICULTURAL INSPECTION AND AQI USER FEES ALONG THE U.S./CANADA BORDER

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503

Abstract: This action adopts as a final rule, with changes, an interim rule that amended the foreign quarantine and user fee regulations by removing the exemptions from inspection for fruits and vegetables grown in Canada and the exemptions from user fees for commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international air passengers entering the United States from Canada. As a result of this action, all agricultural products imported from Canada are subject to inspection and commercial conveyances as well as airline passengers arriving on flights from Canada are subject to inspection and user fees. We took this action in part because we were not recovering the costs of our inspection activities at the U.S./Canada border. In addition, our data showed an increasing number of interceptions on the U.S./Canada

border of prohibited material that originated in regions other than Canada that presents a high risk of introducing plant pests or animal diseases into the United States. These findings, combined with additional Canadian airport preclearance data on interceptions of ineligible agricultural products approaching the U.S. border from Canada, strongly indicated that we needed to expand and strengthen our pest exclusion and smuggling interdiction efforts at that border. In order to do this and to recover the costs of our existing inspection activity, we need to collect user fees from all commercial conveyances, with certain exceptions, and international air passengers entering the United States from Canada.

Completed:

Reason	Date	FR Cite
Final Action	03/09/10	75 FR 10634

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Cynthia Stahl
Phone: 301 734-8415

RIN: 0579-AC06

38. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS FOR ROPING STEERS

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This document will withdraw a proposed rule that we published on August 24, 2004 (69 FR 51960 to 51962, APHIS Docket No. 03-081-3). In our August 2004 proposed rule, we proposed to require that steers and spayed heifers with any evidence of horn growth that are entering the United States meet the same tuberculosis testing requirements as sexually intact animals entering the United States. Instead of proposing provisions specific to cattle imported for use at rodeos, as our August 2004 proposal did, APHIS is considering broader changes to the tuberculosis regulations.

Completed:

Reason	Date	FR Cite
Withdrawn: APHIS Will Address This Issue as Part of a Broader Approach	02/02/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Francisco Collazo-Mattei
Phone: 301 734-6954

RIN: 0579-AC50

39. IMPORTATION OF CATTLE FROM MEXICO; ADDITION OF PORT AT SAN LUIS, ARIZONA

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking will amend the regulations regarding the importation of cattle from Mexico by adding San Luis, AZ, as a port through which cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases may be imported into the United States. A new facility for the handling of animals is to be constructed on the Mexican side of the border at the port of San Luis, AZ, that will be equipped with facilities necessary for the proper chute inspection, dipping, and testing that are required for such cattle under the regulations. The rule will also amend the regulations to remove provisions that limit the admission of cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases to the State of Texas. The statutory requirement that limited the admission of those cattle to the State of Texas has been repealed. These changes make an additional port of entry available and relieve restrictions on the movement of imported Mexican cattle within the United States.

Completed:

Reason	Date	FR Cite
Withdrawn: No Action Anticipated Within the Next 12 Months	02/02/10	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Betzaida Lopez
Phone: 301 734-5677

RIN: 0579-AC63

40. IMPORTATION OF GRAPES FROM CHILE UNDER A SYSTEMS APPROACH

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a

Abstract: We are proposing two changes related to our proposed rule

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published in the Federal Register on August 27, 2008, that would amend the fruit and vegetable regulations to allow fresh table grapes from Chile to be imported into the continental United States under a systems approach. Currently as a condition of entry, all table grapes from Chile have to be fumigated with methyl bromide as a risk-mitigation measure for *Brevipalpus chilensis*. On August 27, 2008, we proposed to allow a combination of risk-mitigation measures, or systems approach, to be employed in lieu of methyl bromide fumigation for B.

chilensis. However, there is a new quarantine pest of table grapes, *Lobesia botrana*, in Chile, and the proposed systems approach does not address and was not intended to mitigate the risk for this pest. Therefore, this supplemental proposed rule modifies the proposed systems approach so that it is effective for *L. botrana*. Alternatively, it would require Chilean grapes that do not meet the conditions of the systems approach for *L. botrana* to be fumigated with methyl bromide as a condition of their importation into the continental United States.

Completed:

Reason	Date	FR Cite
Withdrawn: Program Will Repropose With New Supporting Documents and a Different Approach	02/02/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Charisse Cleare
Phone: 301 734-0773

RIN: 0579-AC82
BILLING CODE 3410-34-S

**Department of Agriculture (USDA)
Rural Housing Service (RHS)**

Final Rule Stage

41. GUARANTEED SINGLE-FAMILY HOUSING

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

Abstract: The Guaranteed Single-Family Housing program will provide better clarity and consistency within the program. The action is taken to update the regulations to current mortgage industry standards and

provide more guidance on program oversight and monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124
NPRM Comment Period End	02/14/00	
Final Action	11/00/10	
Final Action Effective	12/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Joaquin Tremols, Acting Director, Single-Family Housing Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0784, Washington, DC 20250
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RIN: 0575-AC18
BILLING CODE 3410-XV-S

**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)**

Proposed Rule Stage

42. MANDATORY INSPECTION OF CATFISH AND CATFISH PRODUCTS

Legal Authority: 21 USC 601 et seq; PL 110-249, sec 11016

Abstract: The Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246, sec. 11016), known as the 2008 Farm Bill, amended the Federal Meat Inspection Act (FMIA) to make catfish an amenable species under the FMIA. Amenable species must be inspected, so this rule will define inspection requirements for catfish. The

regulations will define “catfish” and the scope of coverage of the regulations to apply to establishments that process farm-raised species of catfish and to catfish and catfish products. The regulations will take into account the conditions under which the catfish are raised and transported to a processing establishment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Quita Bowman Blackwell, Acting Assistant Administrator, Office of Catfish Inspection Program, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-5735
Fax: 202 690-1742

RIN: 0583-AD36

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

43. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS; CONTROL OF LISTERIA MONOCYTOGENES IN READY-TO-EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products, and measures, including testing, to control *Listeria monocytogenes* in RTE products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products, but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. With HACCP, food safety performance standards give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End	05/29/01	
NPRM Comment Period Extended	07/03/01	66 FR 35112
NPRM Comment Period End	09/10/01	

Action	Date	FR Cite
Interim Final Rule	06/06/03	68 FR 34208
Interim Final Rule Effective	10/06/03	
Interim Final Rule Comment Period End	01/31/05	
NPRM Comment Period Reopened	03/24/05	70 FR 15017
NPRM Comment Period End	05/09/05	
Affirmation of Interim Final Rule	03/00/11	
Final Action	03/00/11	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
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 Fax: 202 401-1760
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RIN: 0583-AC46

44. FEDERAL-STATE INTERSTATE SHIPMENT COOPERATIVE INSPECTION PROGRAM

Legal Authority: PL 110-246, sec 11015

Abstract: FSIS is proposing regulations to implement a new voluntary Federal-State cooperative inspection program under which State-inspected establishments with 25 or fewer employees would be eligible to ship meat and poultry products in interstate commerce. State-inspected establishments selected to participate in this program would be required to comply with all Federal standards under the Federal Meat Inspection Act

(FMIA) and the Poultry Products Inspection Act (PPIA). These establishments would receive inspection services from State inspection personnel that have been trained and certified to assist with enforcement of the FMIA and PPIA. Meat and poultry products produced under the program that have been inspected and passed by selected State-inspection personnel would bear a Federal mark of inspection. FSIS is proposing these regulations in response to the Food, Conservation, and Energy Act, enacted on June 18, 2008 (the 2008 Farm Bill). Section 11015 of 2008 Farm Bill provides for the interstate shipment of State-inspected meat and poultry product from selected establishments and requires that FSIS promulgate implementing regulations no later than 18 months from the date of its enactment.

Timetable:

Action	Date	FR Cite
NPRM	09/16/09	74 FR 47648
NPRM Comment Period End	11/16/09	
Final Action	09/00/10	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Rachel Edelstein, Director, Policy Issuances Division, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AD37

BILLING CODE 3410-DM-S

Department of Agriculture (USDA)
Forest Service (FS)

Proposed Rule Stage

45. SPECIAL AREAS; STATE-SPECIFIC INVENTORIED ROADLESS AREA MANAGEMENT: COLORADO

Legal Authority: Not Yet Determined

Abstract: On April 11, 2007, Governor of Colorado Ritter submitted a petition under the provisions of the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28) to promulgate regulations, in cooperation with the

State, for the management of inventoried roadless areas within the State of Colorado. After review and recommendation by the Roadless Area Conservation National Advisory Committee, the Secretary accepted the Governor's petition and initiated a proposed rulemaking for inventoried roadless areas in Colorado. The proposed rulemaking would manage Colorado's inventoried roadless areas by prohibiting road building and tree

cutting, with some exceptions, on 4.1 million acres of inventoried roadless areas in Colorado. The 4.1 million acres reflect the most updated IRA boundaries for Colorado, which incorporate planning rule revisions since 2001 on several Colorado national forests. Inventoried roadless areas that are allocated to ski area special uses (approximately 10,000 acres) would also be removed from roadless designation. Road construction and

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Proposed Rule Stage

reconstruction plus timber harvesting would be prohibited in inventoried roadless areas, with some exceptions, on the Arapaho-Roosevelt, Grand Mesa-Uncompahgre, Gunnison, Manti-La Sal, Pike-San Isabel, Rio Grande, Routt, San Juan, and White River National Forests in Colorado. Exceptions to the prohibitions would be allowed for certain health, safety, valid existing rights, resource protection, and ecological management needs.

Web site: <http://roadless.fs.fed.us>

Timetable:

Action	Date	FR Cite
NPRM	07/25/08	73 FR 43544
NPRM Comment Period End	10/23/08	
Second NPRM	06/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Lorrie Parker, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250-0003
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RIN: 0596-AC74
BILLING CODE 3410-11-S

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

Proposed Rule Stage

46. DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 7

Legal Authority: PL 110-246

Abstract: Designates bath products; concrete and asphalt cleaners, including microbial and non-microbial concrete and asphalt cleaners as subcategories; corrosion removers; dishwashing detergents; floor cleaners and protectors; hair cleaning products, including shampoos and conditioners as subcategories; microbial cleaners; oven and grill cleaners; slide way lubricants; and thermal shipping containers, including durable and non-durable thermal shipping containers as subcategories.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Policy Management, Department of Agriculture, 361 Reporters Building, 300 7th Street SW, Washington, DC 20250

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RIN: 0503-AA36

47. • DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 8

Legal Authority: PL 110-246

Abstract: Designates an additional 15 groups of biobased products for preferred procurement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Policy Management, Department of Agriculture, 361 Reporters Building, 300 7th Street SW, Washington, DC 20250
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RIN: 0503-AA39

48. • REVISED PROGRAM GUIDELINES

Legal Authority: PL 110-246

Abstract: The 2008 Farm Bill requires USDA to address how the BioPreferred Program will designate complex products and intermediate materials and feed stocks and make other changes to update program guidelines.

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Policy Management, Department of Agriculture, 361 Reporters Building, 300 7th Street SW, Washington, DC 20250
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RIN: 0503-AA40

Department of Agriculture (USDA)
Office of the Secretary (AgSEC)

Final Rule Stage

49. VOLUNTARY LABELING PROGRAM FOR DESIGNATED BIOBASED PRODUCTS

Legal Authority: PL 110-246

Abstract: The purpose of the program is to provide a "USDA Certified Biobased Product" label for use on biobased products meeting certain

criteria to be established in the proposed rule, to specify those criteria for gaining use of the label, establish a system to make the label available to manufacturers and vendors of biobased products, and to establish the labeling program.

Timetable:

Action	Date	FR Cite
NPRM	07/31/09	74 FR 38296
NPRM Comment Period End	09/29/09	
Final Action	09/00/10	

USDA—AgSEC

Final Rule Stage

Regulatory Flexibility Analysis

Required: Yes

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RIN: 0503-AA35

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