



# Federal Register

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Monday,  
December 20, 2010

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## Part III

### Department of Agriculture

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Semiannual Regulatory Agenda

## DEPARTMENT OF AGRICULTURE (USDA)

## DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## 7 CFR Subtitle A, Chs. I-XI, XIV-XVIII, XX, XXVI-XXXVIII, XLI-XLII, L

## 9 CFR Chs. I-III

## 36 CFR Ch. II

## 41 CFR Ch. 4

## Semiannual Regulatory Agenda, Fall 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.” The agenda also describes regulations affecting small entities as required by section 602 of the

Regulatory Flexibility Act, Public Law 96-354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions.

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](http://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 this edition of the USDA regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

**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) 720-1272.

Dated: September 21, 2010.

Michael Poe,

Chief, Legislative and Regulatory Staff.

## Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
175	National Organic Program, Sunset (2011) (Crops and Processing) (TM-07-0136) .....	0581-AC77
176	Wholesale Pork Reporting Program ( <b>Reg Plan Seq No. 1</b> ) .....	0581-AD07
177	National Organic Program, Periodic Pesticide Residue Testing .....	0581-AD10

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
178	National Dairy Promotion and Research Program; Dairy Import Assessments, DA-08-0050 ( <b>Reg Plan Seq No. 2</b> ) .....	0581-AC87
179	National Organic Program: Amendments to the National List (Crops, Livestock, and Processing) TM-09-0003 .....	0581-AC91

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
180	Emergency Forest Restoration Program .....	0560-AH89
181	Farm Loan Programs Loan Making Activities .....	0560-AI03
182	Conservation Loan Guarantee Program .....	0560-AI04
183	Loan Servicing; Farm Loan Programs .....	0560-AI05

## USDA

## Farm Service Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
184	Biomass Crop Assistance Program .....	0560-AH92

## Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
185	Animal Welfare: Marine Mammals; Nonconsensus Language, and Interactive Programs ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	0579-AB24
186	Animal Welfare; Regulations and Standards for Birds ( <b>Reg Plan Seq No. 3</b> ) .....	0579-AC02
187	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products .....	0579-AC68
188	Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish .....	0579-AC74
189	Scrapie in Sheep and Goats .....	0579-AC92
190	Plant Pest Regulations; Update of General Provisions ( <b>Reg Plan Seq No. 4</b> ) .....	0579-AC98
191	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts .....	0579-AD10

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
192	Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis ( <b>Rulemaking Resulting From a Section 610 Review</b> ) ( <b>Reg Plan Seq No. 7</b> ) .....	0579-AC03
193	Citrus Canker; Compensation for Certified Citrus Nursery Stock .....	0579-AC05
194	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza .....	0579-AC36
195	Handling of Animals; Contingency Plans .....	0579-AC69

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
196	Phytophthora Ramorum; Quarantine and Regulations .....	0579-AB82
197	Boll Weevil; Quarantine and Regulations .....	0579-AB91
198	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering .....	0579-AC31
199	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warm-Blooded Animals Other Than Marine Mammals .....	0579-AC41
200	Light Brown Apple Moth Quarantine .....	0579-AC71
201	Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations .....	0579-AC85

## Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
202	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
203	Citrus Canker; Quarantine of the State of Florida .....	0579-AC07
204	Minimum Age Requirements for the Transport of Animals .....	0579-AC14
205	Importation of Lemons From Northwest Argentina .....	0579-AC79
206	Sirex Woodwasp; Quarantine and Regulations .....	0579-AC86

## USDA

## Rural Housing Service—Final Rule Stage

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

## Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
208	Mandatory Inspection of Catfish and Catfish Products ( <b>Reg Plan Seq No. 18</b> ) .....	0583-AD36

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
209	Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-To-Eat Meat and Poultry Products ( <b>Reg Plan Seq No. 21</b> ) .....	0583-AC46
210	Federal-State Interstate Shipment Cooperative Inspection Program ( <b>Reg Plan Seq No. 24</b> ) .....	0583-AD37
211	New Formulas for Calculating the Basetime, Overtime, Holiday, and Laboratory Services Rates; Rate Changes Based on the Formulas; and Increased Fees for the Accredited Laboratory Program .....	0583-AD40
212	Changes to the Schedule of Operations Regulations .....	0583-AD42

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

## Forest Service—Proposed Rule Stage

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

## Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
214	Designation of Biobased Items for Federal Procurement, Round 7 .....	0503-AA36
215	Designation of Biobased Items for Federal Procurement, Round 8 .....	0503-AA39
216	Revised Program Guidelines .....	0503-AA40

## Office of the Secretary—Final Rule Stage

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

**Department of Agriculture (USDA)  
Agricultural Marketing Service (AMS)**
**Proposed Rule Stage**
**175. NATIONAL ORGANIC PROGRAM, SUNSET (2011) (CROPS AND PROCESSING) (TM-07-0136)**
**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	

**Action**
**Date**
**FR Cite**

NPRM  
Final Action

12/00/10  
08/00/11

**Regulatory Flexibility Analysis**
**Required:** Yes

**Agency Contact:** Melissa R. Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: melissa.bailey@usda.gov

**RIN:** 0581-AC77

**176. • WHOLESALE PORK REPORTING PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.

**RIN:** 0581-AD07

**177. • NATIONAL ORGANIC PROGRAM, PERIODIC PESTICIDE RESIDUE TESTING**
**Legal Authority:** 7 USC 6501

**Abstract:** This rulemaking would amend sections of the NOP regulations which pertain to the inspection and testing of agricultural products to be sold or labeled as "organic".

Specifically, this action would incorporate provisions to require that certifying agents conduct periodic residue testing of organic products to determine if the products contain pesticides in violation of the NOP regulations and, if so, the process by which violations are reported and enforcement actions should be taken.

**Timetable:**

Action	Date	FR Cite
NPRM		04/00/11

**Regulatory Flexibility Analysis**
**Required:** Yes

**Agency Contact:** Melissa R. Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250

Phone: 202 720-3252  
Fax: 202 205-7808  
Email: melissa.bailey@usda.gov

**RIN:** 0581-AD10

**Department of Agriculture (USDA)**
**Agricultural Marketing Service (AMS)**
**Final Rule Stage**
**178. NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM; DAIRY IMPORT ASSESSMENTS, DA-08-0050**

**Regulatory Plan:** This entry is Seq. No. 2 in part II of this issue of the **Federal Register**.

**RIN:** 0581-AC87

**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	12/00/10	

**Regulatory Flexibility Analysis**
**Required:** Yes

**Agency Contact:** Melissa R. Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250

Phone: 202 720-3252  
Fax: 202 205-7808  
Email: melissa.bailey@usda.gov

**RIN:** 0581-AC91

**BILLING CODE 3410-02-S**
**179. NATIONAL ORGANIC PROGRAM: AMENDMENTS TO THE NATIONAL LIST (CROPS, LIVESTOCK, AND PROCESSING) TM-09-0003**
**Legal Authority:** 7 USC 6517 and 6518

**Department of Agriculture (USDA)**
**Farm Service Agency (FSA)**
**Final Rule Stage**
**180. EMERGENCY FOREST RESTORATION PROGRAM**
**Legal Authority:** PL 110-246

**Abstract:** A new subpart will be added 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.

**Timetable:**

Action	Date	FR Cite
Interim Rule	11/17/10	75 FR 70083

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Action	Date	FR Cite
Interim Final Rule Effective	11/17/10	
Interim Final Rule Comment Period End	01/18/11	
Final Action	To Be Determined	

**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

**181. 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	09/23/10	75 FR 57866
NPRM Comment Period End	11/22/10	
Final Rule	05/00/11	

**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

**182. 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
Interim Rule	09/03/10	75 FR 54005
Interim Rule Comment Period End	11/02/10	
Final Rule	05/00/11	

**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

**183. 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.

Acceleration and foreclosure will be suspended on borrowers who file a claim of program discrimination against the Department or have a claim

## USDA—FSA

## Final Rule Stage

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	12/00/10	

**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-AI05
**Department of Agriculture (USDA)  
Farm Service Agency (FSA)**

## Completed Actions

**184. BIOMASS CROP ASSISTANCE PROGRAM****Legal Authority:** PL 110-246

**Abstract:** A new regulation was added 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.

**Completed:**

Reason	Date	FR Cite
Final Action	10/27/10	75 FR 66201

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Deirdre Holder  
Phone: 202 205-5851  
Fax: 202 720-5233  
Email: deirdre.holder@wdc.usda.gov

**RIN:** 0560-AH92**BILLING CODE 3410-05-S**
**Department of Agriculture (USDA)  
Animal and Plant Health Inspection Service (APHIS)**

## Proposed Rule Stage

**185. 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	12/00/10	
NPRM Comment Period End	02/00/11	

**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**186. ANIMAL WELFARE: REGULATIONS AND STANDARDS FOR BIRDS**

**Regulatory Plan:** This entry is Seq. No. 3 in part II of this issue of the **Federal Register**.

**RIN:** 0579-AC02**187. 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

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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. This rulemaking would also address public comments received in response to a September 2008 request for comments regarding certain provisions of an APHIS January 2005 final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/11	
NPRM Comment Period End	04/00/11	

**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**188. 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	12/00/10	
NPRM Comment Period End	03/00/11	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Christa Speckmann, Import/Export Specialist, Aquaculture, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1236  
Phone: 301 734–8695

**RIN:** 0579–AC74**189. 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	01/00/11	
NPRM Comment Period End	03/00/11	

**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**190. PLANT PEST REGULATIONS; UPDATE OF GENERAL PROVISIONS**

**Regulatory Plan:** This entry is Seq. No. 4 in part II of this issue of the **Federal Register**.

**RIN:** 0579–AC98**191. BOVINE SPONGIFORM ENCEPHALOPATHY AND SCRAPIE; IMPORTATION OF SMALL RUMINANTS AND THEIR GERMPLASM, 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

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## Proposed Rule Stage

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	03/00/11	
NPRM Comment Period End	05/00/11	

**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)

**192. IMPORTATION OF PLANTS FOR PLANTING; ESTABLISHING A NEW CATEGORY OF PLANTS FOR PLANTING NOT AUTHORIZED FOR IMPORTATION PENDING PEST RISK ANALYSIS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Regulatory Plan:** This entry is Seq. No. 7 in part II of this issue of the **Federal Register**.

**RIN:** 0579-AC03

Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231  
Phone: 301 734-7228

**RIN:** 0579-AC05

Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737

Phone: 301 734-4356

**RIN:** 0579-AC36

**194. 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.

**195. 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	01/00/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Jeanie Lin, National Emergency Programs Manager, Animal Care, Department of Agriculture, Animal and Plant Health Inspection

**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	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Lynn E. Goldner, National Program Manager, Emergency and Domestic Programs, PPQ,

## USDA—APHIS

## Final Rule Stage

Service, 4700 River Road, Unit 84,  
Riverdale, MD 20737

Phone: 301 734-7833  
RIN: 0579-AC69

**Department of Agriculture (USDA)**  
**Animal and Plant Health Inspection Service (APHIS)**

**Long-Term Actions**

**196. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS**

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

**Abstract:** The interim rule amended 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 also updated conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restricted the interstate movement of all other nursery stock from nurseries in quarantined areas. We also updated the list of plants regulated because of P. ramorum and the list of areas that are quarantined for P. ramorum and made 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: 301 734-5720

**RIN:** 0579-AB82

**197. 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

**198. 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 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

**199. 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

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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 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**200. 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

**201. 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 establishes 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	06/17/10	75 FR 34322
Interim Final Rule Comment Period End	08/16/10	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Patrick J. Gomes  
Phone: 919 855-7313

**RIN:** 0579-AC85

**Department of Agriculture (USDA)****Animal and Plant Health Inspection Service (APHIS)****Completed Actions****202. 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.

**Completed:**

Reason	Date	FR Cite
Withdrawn: Canceled by the Program	07/09/10	

**Regulatory Flexibility Analysis Required:** Yes**Agency Contact:** Evelia Sosa  
Phone: 301 734-8295**RIN:** 0579-AB18**203. CITRUS CANKER; 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

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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.

**Completed:**

Reason	Date	FR Cite
Withdrawn: No Action	08/10/10	

Anticipated Within the Next 12 Months

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Stephen Poe  
Phone: 301 734–4387

**RIN:** 0579–AC07**204. 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.

**Completed:**

Reason	Date	FR Cite
Withdrawn: No Action	08/10/10	

Anticipated Within the Next 12 Months

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Barbara Kohn  
Phone: 301 734–7833

**RIN:** 0579–AC14**205. 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.

**Completed:**

Reason	Date	FR Cite
Withdrawn: No Action	08/18/10	

Anticipated Within the Next 12 Months

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Meredith Jones  
Phone: 301 734–7467

**RIN:** 0579–AC79**206. 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. This action is necessary on an emergency basis to prevent the artificial spread of this plant pest to noninfested areas of the United States.

**Completed:**

Reason	Date	FR Cite
Withdrawn: Canceled	07/09/10	

by the Program

**Regulatory Flexibility Analysis****Required:** Yes

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

**RIN:** 0579–AC86**BILLING CODE 3410–34–S****Department of Agriculture (USDA)  
Rural Housing Service (RHS)****Final Rule Stage****207. 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	12/00/10	
Final Action Effective	01/00/11	

**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

Phone: 202 720–1465

Fax: 202 205–2476

Email: joaquin.tremols@wdc.usda.gov

**RIN:** 0575–AC18**BILLING CODE 3410–XV–S**

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Proposed Rule Stage**
**208. MANDATORY INSPECTION OF CATFISH AND CATFISH PRODUCTS**

**Regulatory Plan:** This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.

**RIN:** 0583–AD36

**Department of Agriculture (USDA)**  
**Food Safety and Inspection Service (FSIS)**
**Final Rule Stage**
**209. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS; CONTROL OF LISTERIA MONOCYTOGENES IN READY-TO-EAT MEAT AND POULTRY PRODUCTS**

**Regulatory Plan:** This entry is Seq. No. 21 in part II of this issue of the **Federal Register**.

**RIN:** 0583–AC46

**210. FEDERAL–STATE INTERSTATE SHIPMENT COOPERATIVE INSPECTION PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 24 in part II of this issue of the **Federal Register**.

**RIN:** 0583–AD37

**211. NEW FORMULAS FOR CALCULATING THE BASETIME, OVERTIME, HOLIDAY, AND LABORATORY SERVICES RATES; RATE CHANGES BASED ON THE FORMULAS; AND INCREASED FEES FOR THE ACCREDITED LABORATORY PROGRAM**

**Legal Authority:** 7 USC 1621 et seq; 21 USC 601 et seq; 21 USC 451 et seq; 21 USC 1031 et seq

**Abstract:** FSIS is amending its regulations to establish formulas for calculating the rates that it charges meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection, and identification, certification, and laboratory services. FSIS will publish the rates annually in Federal Register notices prior to the start of each calendar year and will apply them on the first FSIS pay period at the beginning of the calendar year. The Agency is also increasing the codified flat annual fee for its Accredited Laboratory Program for FY 2012 and FY 2013.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/09	74 FR 51800
NPRM Comment Period End	11/09/09	
Final Action	12/00/10	

**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  
Phone: 202 720–0399  
Fax: 202 690–0486  
Email: rachel.edelstein@fsis.usda.gov

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Email: rachel.edelstein@fsis.usda.gov

**RIN:** 0583–AD40

**212. • CHANGES TO THE SCHEDULE OF OPERATIONS REGULATIONS**

**Legal Authority:** 21 USC 601 ; 21 USC 451

**Abstract:** FSIS is proposing to amend the meat, poultry products, and egg products regulations pertaining to the schedule of operations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/10	75 FR 47726
NPRM Comment Period End	09/08/10	
Final Action	12/00/10	

**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  
Phone: 202 720–0399  
Fax: 202 690–0486  
Email: rachel.edelstein@fsis.usda.gov

**RIN:** 0583–AD42

**BILLING CODE 3410—DM—S**

**Department of Agriculture (USDA)**  
**Forest Service (FS)**
**Proposed Rule Stage**
**213. 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

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are allocated to ski area special uses (approximately 10,000 acres) would also be removed from roadless designation. Road construction and 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	01/00/11	

**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  
Phone: 202 205-6560  
Fax: 202 205-6539  
Email: [lparker@fs.fed.us](mailto:lparker@fs.fed.us)

**RIN:** 0596-AC74  
**BILLING CODE** 3410-11-S

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

## Proposed Rule Stage

**214. 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	11/23/10	75 FR 71492
NPRM Comment Period End	01/24/11	
Final Action	06/00/11	

**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

Phone: 202 205-4008  
Fax: 202 720-8972  
Email: [ronb.buckhalt@da.usda.gov](mailto:ronb.buckhalt@da.usda.gov)

**RIN:** 0503-AA36

**215. 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	04/00/11	

**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  
Phone: 202 205-4008  
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Email: [ronb.buckhalt@da.usda.gov](mailto:ronb.buckhalt@da.usda.gov)

**RIN:** 0503-AA39

**216. 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  
Phone: 202 205-4008  
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Email: [ronb.buckhalt@da.usda.gov](mailto:ronb.buckhalt@da.usda.gov)

**RIN:** 0503-AA40

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

## Final Rule Stage

**217. 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

## USDA—AgSEC

## Final Rule Stage

Action	Date	FR Cite	Agency Contact:	Phone: 202 205-4008 Fax: 202 720-8972 Email: ronb.buckhalt@da.usda.gov
NPRM Comment Period End	09/29/09		Manager, BioPreferred Program, Office of Procurement and Policy	
Final Action	12/00/10		Management, Department of Agriculture, 361 Reporters Building, 300 7th Street SW, Washington, DC 20250	
<b>Regulatory Flexibility Analysis</b>				<b>RIN:</b> 0503-AA35
<b>Required:</b> Yes				[FR Doc. 2010-30451 Filed 12-17-10; 8:45 am] <b>BILLING CODE 3410-90-S</b>