



Federal Register

**Monday,
May 11, 2009**

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 2009

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) 720-1272.

Dated: March 6, 2009.

Michael Poe,

Chief, Legislative and Regulatory Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals, (TM-01-08)	0581-AB97

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2	National Organic Program: Dairy Replacement Animals (Livestock) (TM-07-03)	0581-AC69
3	Mushroom Promotion, Research and Consumer Information Order (FV-08-702)	0581-AC82

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	National Organic Program: Access to Pasture (TM-05-14)	0581-AC57
5	Dairy Import Assessments (DA-08-07)	0581-AC87

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
6	National Organic Program, Sunset (2011) (Crops and Processing) (TM-07-14)	0581-AC77

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Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
7	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-07-0081)	0581-AC26
8	Specialty Crop Block Grant Program (Farm Bill)	0581-AC88

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
9	Farm Loan Programs Loan Making Activities	0560-AI03
10	Conservation Loan Guarantee Program	0560-AI04
11	Loan Servicing; Farm Loan Programs	0560-AI05

Farm Service Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
12	Emergency Forest Restoration Program	0560-AH89
13	Biomass Crop Assistance Program	0560-AH92

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
14	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review)	0579-AB24
15	Animal Welfare; Regulations and Standards for Birds	0579-AC02
16	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
17	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579-AC31
18	Tuberculosis in Cattle; Import Requirements for Roping Steers	0579-AC50
19	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products	0579-AC68
20	Scrapie in Sheep and Goats	0579-AC92

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
21	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
22	Phytophthora Ramorum; Quarantine and Regulations	0579-AB82
23	Boll Weevil; Quarantine and Regulations	0579-AB91
24	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579-AB97
25	Standards for Permanent, Privately Owned Horse Quarantine Facilities (Section 610 Review)	0579-AC00
26	National Veterinary Accreditation Program (Rulemaking Resulting From a Section 610 Review)	0579-AC04
27	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579-AC05
28	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border	0579-AC06
29	Citrus Canker; Quarantine of the State of Florida	0579-AC07
30	User Fees; Export Certification for Plants and Plant Products	0579-AC22
31	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza	0579-AC36
32	Light Brown Apple Moth Quarantine	0579-AC71
33	Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish	0579-AC74

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Animal and Plant Health Inspection Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
34	Importation of Grapes From Chile Under a Systems Approach	0579-AC82
35	Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations	0579-AC85
36	Sirex Woodwasp; Quarantine and Regulations	0579-AC86

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
37	Plant Pest Regulations; Update of Current Provisions (Section 610 Review)	0579-AA80
38	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
39	Tuberculosis in Cattle; Import Requirements (Section 610 Review)	0579-AB44
40	Minimum Age Requirements for the Transport of Animals	0579-AC14
41	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine Mammals	0579-AC41
42	Importation of Cattle From Mexico; Addition of Port at San Luis, Arizona	0579-AC63
43	Handling of Animals; Contingency Plans	0579-AC69
44	Bovine Tuberculosis	0579-AC73

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
45	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579-AB84
46	Citrus Canker; Interstate Movement of Regulated Nursery Stock From Quarantined Areas	0579-AC38
47	Import/Export User Fees	0579-AC59
48	Revision of Regulations for the Movement of Fruits and Vegetables From Hawaii and U.S. Territories Into the Continental United States	0579-AC70

Rural Housing Service—Final Rule Stage

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

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
50	Federal-State Interstate Shipment Cooperative Inspection Program	0583-AD37

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
51	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

USDA

Forest Service—Final Rule Stage

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

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
53	Voluntary Labeling Program for Designated Biobased Products	0503-AA35
54	Designation of Biobased Items for Federal Procurement, Round 7	0503-AA36

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
55	Renewable Energy—Clarify Requirements for Construction/Development of Energy Program Projects (Rule-making Resulting From a Section 610 Review)	0570-AA69

Department of Agriculture (USDA)

Prerule Stage

Agricultural Marketing Service (AMS)

1. NATIONAL ORGANIC PROGRAM: ADD STANDARDS FOR THE ORGANIC CERTIFICATION OF WILD CAPTURED AQUATIC ANIMALS, (TM-01-08)

Legal Authority: 7 USC 6501 to 6522

Abstract: The Agricultural Marketing Service (AMS) is revising regulations pertaining to labeling of agricultural products as organically produced and handled (7 CFR part 205). The term “aquatic animal” will be incorporated in the definition of livestock to establish production and handling standards for operations that capture aquatic animals from the wild.

Production standards for operations producing aquatic animals will incorporate requirements for livestock origin, feed ration, health care, living conditions, and recordkeeping. Handling standards for such operations will address prevention of commingling of organically produced commodities and prevention of contact between organically produced and prohibited substances.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AB97

Department of Agriculture (USDA)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

2. NATIONAL ORGANIC PROGRAM: DAIRY REPLACEMENT ANIMALS (LIVESTOCK) (TM-07-03)

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	04/00/09	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: Yes

USDA—AMS

Proposed Rule Stage

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
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Email: richard.mathews@usda.gov

RIN: 0581-AC69

3. MUSHROOM PROMOTION, RESEARCH AND CONSUMER INFORMATION ORDER (FV-08-702)

Legal Authority: 7 USC 6101 to 6112

Abstract: The Farm Bill of 2008 amends the Mushroom Promotion, Research and Consumer Information Act of 1990 by changing the number of regions for nominations purposes from four to three; adjusting the number of pounds required to appoint members to the Mushroom Council; and to allow for the development of good agricultural and good handling practices.

Timetable:

Action	Date	FR Cite
NPRM	04/07/09	74 FR 15677

Action	Date	FR Cite
NPRM Comment Period End	05/07/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sonia Jimenez, Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, South Building, P.O. Box 96456, Washington, DC 20050-6456
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Email: sonia.jimenez@usda.gov

RIN: 0581-AC82

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

Final Rule Stage

4. 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.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/06	71 FR 19131
ANPRM Comment Period End	06/12/06	
NPRM	10/24/08	73 FR 63583
NPRM Comment Period End	12/23/08	
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
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Email: richard.mathews@usda.gov

RIN: 0581-AC57

5. DAIRY IMPORT ASSESSMENTS (DA-08-07)

Legal Authority: 7 USC 4501 to 4513

Abstract: The Agricultural Marketing Service is establishing a dairy import assessment program as required by law. This action is in conformance with the Food, Conservation, and Energy Act of 2008 (Farm Bill). The Farm Bill mandates that the Dairy Promotion and Research Order be amended to implement an assessment on imported dairy products to fund promotion and research, and allow for importer representation on the National Dairy Promotion and Research Board.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/09	

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
Phone: 202 720-6909
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Email: whitney.rick@usda.gov

RIN: 0581-AC87

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

Long-Term Actions

6. 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, 2001. The AMS published an advance notice of proposed rulemaking to make the public aware of this requirement. AMS believes that public comment is

USDA—AMS

Long-Term Actions

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: Richard H. Mathews
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RIN: 0581-AC77

**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)**
Completed Actions
7. MANDATORY COUNTRY OF ORIGIN LABELING OF BEEF, PORK, LAMB, FISH, PERISHABLE AGRICULTURAL COMMODITIES, AND PEANUTS (LS-07-0081)

Legal Authority: 7 USC 1621 to 1627, Agricultural Marketing Act of 1946

Abstract: The Farm Security and Rural Investment Act of 2002 (Farm Bill) (Pub. L. 107-171) and the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107-206) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The FY 2004 Consolidated Appropriations bill (2004 Appropriations) (Pub. L. 108-199) delayed implementation of mandatory

Country of Origin Labeling (COOL) for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. The FY 2006 Agriculture Appropriations Bill further delayed the implementation date for other covered commodities until September 30, 2008.

Completed:

Reason	Date	FR Cite
Final Action	01/15/09	74 FR 2657
Final Action Effective	03/16/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Erin Morris
Phone: 202 720-5131
Email: erin.morris@usda.gov

RIN: 0581-AC26

8. SPECIALTY CROP BLOCK GRANT PROGRAM (FARM BILL)

Legal Authority: 7 USC 1621

Abstract: The Agricultural Marketing Service is establishing regulations to administer the Special Crop Block Grant Program (SCBGP) to enhance the

competitiveness of specialty crops. The interim final rule is intended to establish eligibility and application requirements, the review and approval process, and grant administration procedures for SCBGP. The SCBGP is authorized under section 101 of the Specialty Crops Competitiveness Act (7 U.S.C. 1621 note) and amended under the Food, Conservation, and Energy Act of 2008. Section 101 direction the Secretary of Agriculture to make grants available to States.

Completed:

Reason	Date	FR Cite
Interim Final Rule Comment Period End	11/03/08	
Final Action	03/27/09	74 FR 13313
Final Action Effective	03/30/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Trista Etzig
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RIN: 0581-AC88

BILLING CODE 3410-02-S

**Department of Agriculture (USDA)
Farm Service Agency (FSA)**
Proposed Rule Stage
9. 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 5-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

USDA—FSA

Proposed Rule Stage

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	07/00/09	

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-AI03

10. 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	09/00/09	

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

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RIN: 0560-AI04

11. 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 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	05/00/09	

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

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RIN: 0560-AI05

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

Long-Term Actions

12. 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

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USDA—FSA

Long-Term Actions

Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AH89

13. 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, 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
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deirdre Holder
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RIN: 0560-AH92

BILLING CODE 3410-05-S

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

14. 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

Action	Date	FR Cite
ANPRM Comment Period End	07/29/02	
NPRM	06/00/09	
NPRM Comment Period End	10/00/09	

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

15. 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	08/00/09	
NPRM Comment Period End	11/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Darrel Styles, Veterinary Medical Officer, Animal Care, Department of Agriculture,

Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234
Phone: 301 734-0658

RIN: 0579-AC02

16. 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

USDA—APHIS

Proposed Rule Stage

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	06/00/09	
NPRM Comment Period End	08/00/09	

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

17. 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

Action	Date	FR Cite
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	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Turner, Director, Policy Coordination Division, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 146, Riverdale, MD 20737-1236

Phone: 301 734-5720

RIN: 0579-AC31

18. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/04	69 FR 43283
Interim Final Rule Effective	08/19/04	
Interim Final Rule Comment Period End	09/20/04	

Action	Date	FR Cite
Interim Rule; Withdrawal	08/12/04	69 FR 49783
Interim Rule; Withdrawal Effective	08/12/04	
NPRM	08/24/04	69 FR 51960
NPRM Comment Period End	10/25/04	
NPRM; Withdrawal	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Francisco Collazo-Mattei, Assistant Director, Ruminant Health Programs, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737

Phone: 301 734-6954

RIN: 0579-AC50

19. 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	06/00/09	
NPRM Comment Period End	08/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Christopher Robinson, Senior Staff Veterinarian, Technical Trade Services, National

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Proposed Rule Stage

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

20. • 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	06/00/09	
NPRM Comment Period End	08/00/09	

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

Department of Agriculture (USDA)

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Animal and Plant Health Inspection Service (APHIS)

21. 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	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evelia Sosa, Senior
Staff Officer, Quarantine Policy
Analysis and Support, PPQ,
Department of Agriculture, Animal and
Plant Health Inspection Service, 4700

River Road, Unit 140, Riverdale, MD
20737-1236

Phone: 301 734-8295

RIN: 0579-AB18

22. 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: Jonathan Jones,
National Phytophthora Ramorum
Program Manager, Pest Detection and
Management Programs, PPQ,
Department of Agriculture, Animal and
Plant Health Inspection Service, 4700
River Road, Unit 160, Riverdale, MD
20737
Phone: 301 734-8247

RIN: 0579-AB82

23. BOLL WEEVIL; QUARANTINE AND REGULATIONS

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

Abstract: This action will establish domestic boll weevil regulations that will 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 will help prevent the artificial spread of boll weevil into noninfested areas of the United States

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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	
Final Action	12/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: William Grefenstette, National Coordinator, Boll Weevil Eradication Program, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 138, Riverdale, MD 20737
Phone: 301 734-8676

RIN: 0579-AB91

24. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/05	70 FR 71213
Interim Final Rule Comment Period End	01/27/06	
Final Action	03/00/10	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Karen A. James-Preston, Director, Technical Trade Services, Animal Products, 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-AB97

25. STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)

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

Abstract: This rulemaking will establish standards for the approval of permanent, privately owned quarantine facilities for horses. We are taking this action because regional and seasonal demand for quarantine services for horses often exceeds the space available at existing facilities. Allowing imported horses to be quarantined in permanent, privately owned quarantine facilities that meet these newly proposed criteria facilitates the importation of horses while continuing to protect against the introduction of communicable diseases of horses.

Timetable:

Action	Date	FR Cite
NPRM	12/13/06	71 FR 74827
NPRM Comment Period End	02/12/07	
Final Action	05/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Ellen Buck, Veterinary Medical Officer,

Import/Export Animals, 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-AC00

26. NATIONAL VETERINARY ACCREDITATION PROGRAM (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 8301 to 8317; 15 USC 1828

Abstract: This rulemaking will amend the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the current single category, to add requirements for supplemental training and renewal of accreditation, and to offer accreditation specializations. These changes are intended to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent.

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 Action	03/00/10	

Regulatory Flexibility Analysis

Required: No

Agency Contact: Todd Behre, Program Manager, National Veterinary Accreditation Program, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737
Phone: 301 734-6188

RIN: 0579-AC04

27. CITRUS CANKER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK

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

Abstract: This rulemaking will establish provisions under which

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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.

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	
Affirmation of Interim Final Rule	08/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Stephen Poe, Senior Staff 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

28. 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 will amend 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 will be subject to inspection, and commercial conveyances, as well as airline passengers arriving on flights from Canada, will be subject to inspection and user fees. We are taking this action in part because we are not recovering the costs of our current inspection activities at the U.S./Canada border. In addition, our data show 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 indicate that we need 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 commercial conveyances and international air passengers entering the United States from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/25/06	71 FR 50320
Interim Final Rule Comment Period End	11/24/06	
Interim Final Rule Effective	11/24/06	
Delay of Effective Date	11/22/06	71 FR 67436
Delay of Effective Date	02/26/07	72 FR 8261
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Alan S. Green, Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 36, Riverdale, MD 20737 Phone: 301 734–8261

RIN: 0579–AC06

29. CITRUS CANKER; QUARANTINE OF THE STATE OF FLORIDA

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

Abstract: This action will amend the citrus canker regulations to list the entire State of Florida as a quarantined area for citrus canker and amend 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 will also amend 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 are 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 Final Action	01/12/07	72 FR 1415
	09/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Stephen Poe, Senior Staff 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

30. USER FEES; EXPORT CERTIFICATION FOR PLANTS AND PLANT PRODUCTS

Legal Authority: 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 rulemaking will amend the user fee regulations by adjusting the fees charged for export certification of plants and plant products. We are increasing these user fees for fiscal years 2009 through 2012 to reflect the anticipated costs associated with providing these services during each year. This action adds a new user fee for Federal export certificates for plants and plant products that an exporter obtains from a State or county cooperator in order to recover our costs associated with that service. Finally, the action will make several nonsubstantive changes to the regulations for clarity. These changes will enable us to properly recover the costs of providing export certification services for plants and plant products.

Timetable:

Action	Date	FR Cite
NPRM	06/12/07	72 FR 32223
NPRM Comment Period End	08/13/07	
Final Rule	05/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Marcus McElvaine, Senior Import Specialist, PIM, PPQ,

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Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1236
Phone: 301 734–4382

Kris Caraher, User Fee Section Head, Financial Management Division, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 54, Riverdale, MD 20737–1232
Phone: 301 734–5901

RIN: 0579–AC22

31. 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	04/00/09	
Interim Final Rule Comment Period End	06/00/09	

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

32. LIGHT BROWN APPLE MOTH QUARANTINE

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

Abstract: We are quarantining 9 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	08/00/09	
Interim Final Rule Comment Period End	10/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Deborah McPartlan, Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737–1236
Phone: 301 734–5356

RIN: 0579–AC71

33. 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: This rulemaking will establish 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. In 2005 and 2006, viral hemorrhagic septicemia was 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule (IFR)	09/09/08	73 FR 52173
Interim Final Rule Comment Period End	11/10/08	
IFR; Delay of Effective Date	10/28/08	73 FR 63867
Interim Final Rule Effective	01/09/09	
IFR; Delay of Effective Date	01/02/09	74 FR 1
Amended Interim Final Rule	04/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: P. Gary Egrie, Senior Staff Veterinarian 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

34. 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: This action would amend the fruits and vegetables 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 must be fumigated with methyl bromide as a risk-mitigation measure for *Brevipalpus chilensis*. Under this proposal, we would allow a combination of risk-mitigation measures, or systems approach, to be employed in lieu of methyl bromide fumigation. The systems approach would provide an alternative to methyl bromide while continuing to provide protection against the introduction of quarantine pests into the United States.

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Timetable:

Action	Date	FR Cite
NPRM	08/27/08	73 FR 50577
NPRM Comment Period End	10/27/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alex Belano, Chief, 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: 301 734–5333

RIN: 0579–AC82**35. 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 State of Florida and one parish in Louisiana as quarantined areas for citrus greening, and Alabama, Florida, Guam, Hawaii, Puerto Rico, Louisiana, Mississippi, Texas, 3 counties in South Carolina, and portions of 2 counties in

California as quarantined areas for Asian citrus psyllid, a vector of a bacterium that causes citrus greening. It would also establish 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
Interim Final Rule	07/00/09	
Interim Final Rule Comment Period End	09/00/09	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Stephen Poe, Senior Staff 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–AC85**36. SIREX WOODWASP; QUARANTINE AND REGULATIONS**

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/09	
Interim Final Rule Comment Period End	11/00/09	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Lynn Evans–Goldner, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1231
Phone: 301 734–7228

RIN: 0579–AC86**Department of Agriculture (USDA)****Long-Term Actions****Animal and Plant Health Inspection Service (APHIS)****37. PLANT PEST REGULATIONS; UPDATE OF CURRENT PROVISIONS (SECTION 610 REVIEW)**

Legal Authority: 7 USC 450; 7 USC 7711 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: APHIS plans to amend its plant pest regulations to align them more closely with the Plant Protection Act and to update them in response to advances in science and technology and our accumulated experiences in implementing the regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/96	61 FR 50767
ANPRM Comment Period End	12/26/96	
NPRM	10/09/01	66 FR 51340
NPRM Comment Period End	02/06/02	

Action	Date	FR Cite
Withdrawal and Reproposal	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined

Agency Contact: Robert Flanders
Phone: 301 734–5930

RIN: 0579–AA80**38. 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.

Timetable:

Action	Date	FR Cite
NPRM	05/01/02	67 FR 21934
NPRM Comment Period Extended	06/28/02	67 FR 43566
NPRM Comment Period End	07/01/02	
NPRM Comment Period End	07/31/02	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Mark Teachman
Phone: 301 734–8073

RIN: 0579–AB34

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Long-Term Actions

39. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS (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
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kelly Rhodes
Phone: 301 734-4356

RIN: 0579-AB44

40. 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	

Action	Date	FR Cite
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

41. ANIMAL WELFARE; CLIMATIC AND ENVIRONMENTAL CONDITIONS FOR TRANSPORTATION OF WARMBLOODED 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 warmblooded 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: Tracy L. Bowman
Phone: 301 734-6328

RIN: 0579-AC41

42. 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.

Timetable:

Action	Date	FR Cite
NPRM	01/29/08	73 FR 5132
NPRM Comment Period End	03/31/08	
Final Rule	01/02/09	74 FR 1

USDA—APHIS

Long-Term Actions

Action	Date	FR Cite
Final Rule Effective; but the Amendment to 93.427(b)(2) Effective Date Is Delayed Indefinitely	01/02/09	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Betzaida Lopez
Phone: 301 734-8364

RIN: 0579-AC63

43. HANDLING OF ANIMALS; CONTINGENCY PLANS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would 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. We are proposing these requirements 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 would 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 Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Jodie Kulpa-Eddy
Phone: 301 734-7833

RIN: 0579-AC69

44. BOVINE TUBERCULOSIS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking would amend the bovine tuberculosis regulations by removing from incorporation by reference the Bovine Tuberculosis Eradication Uniform Methods and Rules, 1999, and including in 9 CFR part 77 all Federal requirements. We are also proposing a number of substantive changes to the requirements in order to enhance our

bovine tuberculosis eradication efforts. The proposed changes include, but are not limited to, tightening certain tuberculosis surveillance and reporting requirements; strengthening the quarantine and quarantine-release requirements; setting minimum testing ages, depending upon the status of the State or zone of origin and/or the purpose of movement, when testing is required for interstate movement of cattle and bison; adding new requirements to prevent the spread of tuberculosis from wildlife to cattle and bison; adding new requirements for interstate movement of dairy cattle; strengthening the requirements for individual cattle and bison that are to be added to accredited herds; and providing for the interstate movement of commuter herds. Finally, we would reorganize 9 CFR part 77 to make the regulations clearer and easier to use.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Charles W. Hench
Phone: 970 494-7378

RIN: 0579-AC73

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

45. INTERSTATE MOVEMENT OF SHEEP AND GOATS; APPROVED LIVESTOCK FACILITIES, IDENTIFICATION, AND RECORDKEEPING REQUIREMENTS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking will amend the regulations regarding the interstate movement of animals to require livestock facilities that handle sheep or goats in interstate commerce to be approved by APHIS. These will include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. APHIS' approval will be contingent on the facility operator meeting certain minimum standards and other conditions relating to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping

requirements. The standards and other conditions will be based, in part, on recently implemented regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats. This rule will provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.

Completed:

Reason	Date	FR Cite
Final Action	04/01/09	74 FR 14703
Final Action Effective	05/01/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Diane Sutton
Phone: 301 734-6954

RIN: 0579-AB84

46. CITRUS CANCER; INTERSTATE MOVEMENT OF REGULATED NURSERY STOCK FROM QUARANTINED AREAS

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

Abstract: This rulemaking will amend the citrus canker quarantine regulations to explicitly prohibit, with limited exceptions, the interstate movement of regulated nursery stock from a quarantined area and remove calamondin plants from a protocol allowing the limited interstate movement of calamondin and kumquat plants. We decided to provide for the interstate movement of calamondin and kumquat plants based on their apparent resistance to citrus canker. However, we have since discovered calamondin plants affected with citrus canker. This action is necessary to clarify our regulations and to address the risk associated with the interstate

USDA—APHIS

Completed Actions

movement of regulated nursery stock from areas quarantined for citrus canker.

Completed:

Reason	Date	FR Cite
Final Rule	04/09/09	74 FR 16097
Final Rule Effective	05/11/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Stephen Poe
Phone: 301 734-4387

RIN: 0579-AC38

47. IMPORT/EXPORT USER FEES

Legal Authority: 5 USC 5542; 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 3701; 31 USC 3716 and 3717; 31 USC 3719; 31 USC 3720A

Abstract: This rulemaking would amend the regulations concerning user fees for import- and export-related services that we provide for animals, animal products, birds, germplasm, organisms, and vectors. We are proposing increases in those fees for fiscal years 2009 through 2013 in order to ensure that the fees accurately reflect the anticipated costs of providing these services each year. By publishing the annual user fee changes in advance, users can incorporate the fees into their budget planning. The user fees pay for the actual cost of providing these services.

Completed:

Reason	Date	FR Cite
Final Rule	03/30/09	74 FR 13999

Reason	Date	FR Cite
Final Rule Effective	04/29/09	
Correction	04/21/09	74 FR 18115

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Inez Hockaday
Phone: 301 734-7517

Kris Caraher
Phone: 301 734-5901

RIN: 0579-AC59

48. REVISION OF REGULATIONS FOR THE MOVEMENT OF FRUITS AND VEGETABLES FROM HAWAII AND U.S. TERRITORIES INTO THE CONTINENTAL UNITED STATES

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

Abstract: This rulemaking will revise and reorganize the regulations pertaining to the interstate movement of fruits and vegetables from Hawaii and the territories to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, and make various editorial and nonsubstantive changes to the regulations to make them easier to use. It will also make substantive changes to the regulations including establishing criteria within the regulations that, if met, will allow us to approve certain new fruits and vegetables for interstate movement in the United States and to acknowledge

pest-free areas in Hawaii and U.S. territories expeditiously, and remove the listing in the regulations of some specific commodities as regulated articles. These changes are intended to simplify and expedite our processes for approving certain regulated articles for interstate movement and acknowledging pest-free areas while continuing to allow for public participation in the processes. This final rule does not allow for the interstate movement of any specific new fruits or vegetables, nor does it alter the conditions for interstate movement of currently approved fruits or vegetables. These changes will make our domestic interstate movement regulations more consistent with our fruits and vegetables import regulations. The changes in this final rule will not alter the manner in which the risk associated with a regulated article interstate movement request is evaluated, nor will they alter the manner in which those risks are ultimately mitigated.

Completed:

Reason	Date	FR Cite
Final Action	01/16/09	74 FR 2770
Final Action Effective	02/17/09	
Technical Amendment	04/07/09	74 FR 15640

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: David B. Lamb
Phone: 301 734-8758

RIN: 0579-AC70

BILLING CODE 3410-34-S

Department of Agriculture (USDA)

Final Rule Stage

Rural Housing Service (RHS)

49. 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	02/14/00	
Period End		
Final Action	12/00/09	

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, 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

50. FEDERAL-STATE INTERSTATE SHIPMENT COOPERATIVE INSPECTION PROGRAM

Legal Authority: PL 110-246 (section 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	05/00/09	

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

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

Final Rule Stage

51. 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	
Interim Final Rule Effective	06/06/03	68 FR 34208
Interim Final Rule Comment Period End	10/06/03	
Interim Final Rule Comment Period End	01/31/05	

Action	Date	FR Cite
NPRM Comment Period Reopened	03/24/05	70 FR 15017
NPRM Comment Period End	05/09/05	
Final Action	09/00/09	
Affirmation of Interim Final Rule	03/00/10	

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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RIN: 0583-AC46

BILLING CODE 3410-DM-S

Department of Agriculture (USDA)
Forest Service (FS)

Final Rule Stage

52. 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

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Final Rule Stage

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 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	
Final Action	10/00/09	

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

53. 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	07/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, Biopreferred Program,

Departmental Administration, Department of Agriculture, 342 Reporters Building, 300 7th St. SW, Washington, DC 20250
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Fax: 202 720-8972
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RIN: 0503-AA35

54. 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	09/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Ron Buckhalt, Manager, Biopreferred Program, Departmental Administration, Department of Agriculture, 342 Reporters Building, 300 7th St. SW, Washington, DC 20250
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RIN: 0503-AA36

BILLING CODE 3410-90-S

**Department of Agriculture (USDA)
Rural Business—Cooperative Service (RBS)**

Proposed Rule Stage

55. RENEWABLE ENERGY—CLARIFY REQUIREMENTS FOR CONSTRUCTION/DEVELOPMENT OF ENERGY PROGRAM PROJECTS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

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

Abstract: The Rural Business-Cooperative Service (Agency) is amending its regulation for clarity. This regulation provides financial assistance to agricultural producers and rural small businesses for the purpose of purchasing and installing renewable energy systems and energy efficiency improvements in rural areas. Financial

assistance to any single entity may be provided as a direct loan, guaranteed loan or grant, or a combination of a loan and grant. The current regulations were implemented in July of 2005. In reviewing the program, it has become evident that some of the language in the existing regulation was misinterpreted by field offices and

USDA—RBS

Proposed Rule Stage

applicants. With a relatively new program like this, it takes some time to get applications completed and the program reviewed before one realizes the need for corrections to Instruction language.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Action	Date	FR Cite
NPRM Comment Period End	08/00/09	

Regulatory Flexibility Analysis**Required:** No**Agency Contact:** Larry Fleming, Senior Architect, Department of Agriculture,

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RIN: 0570-AA69

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