



# Federal Register

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**Monday,  
December 10, 2007**

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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-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX**

**9 CFR Chs. I-IV**

**36 CFR Ch. II**

**41 CFR Ch. 4**

**Semiannual Regulatory Agenda, Fall 2007**

**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.

Beginning with the fall 2007 edition, USDA’s complete regulatory agenda will be 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 6, 2007.

**Michael Poe,**  
*Chief, Legislative and Regulatory Staff.*

**Agricultural Marketing Service—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
188	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) ( <b>Reg Plan Seq No. 1</b> ) .....	0581-AB97
189	National Organic Program: Dairy Replacement Animals (Livestock) (TM-07-03) .....	0581-AC69

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

**Agricultural Marketing Service—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
190	National Organic Program: Access to Pasture (TM-05-14) .....	0581-AC57

**Agricultural Marketing Service—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
191	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04) ( <b>Reg Plan Seq No. 2</b> ) .....	0581-AC26
192	Mandatory Reporting for Dairy Programs (DA-06-07) ( <b>Reg Plan Seq No. 3</b> ) .....	0581-AC66

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

## USDA

## Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
193	Changes in Fees and Hourly Fee Rates for Science and Technology Laboratory Services (ST-05-01) .....	0581-AC48

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

Sequence Number	Title	Regulation Identifier Number
194	Tuberculosis in Cattle; Import Requirements ( <b>Section 610 Review</b> ) .....	0579-AB44
195	Animal Welfare; Regulations and Standards for Birds ( <b>Reg Plan Seq No. 6</b> ) .....	0579-AC02
196	Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment ( <b>Rulemaking Resulting From a Section 610 Review</b> ) ( <b>Reg Plan Seq No. 7</b> ) .....	0579-AC03
197	Minimum Age Requirements for the Transport of Animals .....	0579-AC14
198	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine Mammals .....	0579-AC41
199	Tuberculosis in Cattle; Import Requirements for Roping Steers .....	0579-AC50

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
200	Phytosanitary Certificates for Imported Fruits and Vegetables .....	0579-AB18
201	Phytophthora Ramorum; Quarantine and Regulations .....	0579-AB82
202	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements .....	0579-AB84
203	Trichinae Certification Program .....	0579-AB92
204	Special Need Requests Under the Plant Protection Act .....	0579-AB98
205	Standards for Permanent, Privately Owned Horse Quarantine Facilities ( <b>Section 610 Review</b> ) .....	0579-AC00
206	National Veterinary Accreditation Program ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	0579-AC04
207	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border .....	0579-AC06
208	Interstate Movement of Citrus Fruit .....	0579-AC34
209	Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants and Processing and Importation of Commodities .....	0579-AC45

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

Sequence Number	Title	Regulation Identifier Number
210	Plant Pest Regulations; Update of Current Provisions ( <b>Section 610 Review</b> ) .....	0579-AA80
211	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	0579-AB24
212	Foot-and-Mouth Disease; Payment of Indemnity .....	0579-AB34
213	Citrus Canker; Compensation for Certified Citrus Nursery Stock .....	0579-AC05
214	Citrus Canker; Quarantine of the State of Florida .....	0579-AC07
215	User Fees; Export Certification for Plants and Plant Products .....	0579-AC22

## Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
216	Revision of Fruits and Vegetables Import Regulations .....	0579-AB80

**USDA**

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

Sequence Number	Title	Regulation Identifier Number
217	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities .....	0579-AC01

Rural Housing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
218	Guaranteed Single-Family Housing .....	0575-AC18
219	Thermal Requirements ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	0575-AC65

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
220	Administrative Error Reduction in the School Meals Programs .....	0584-AD52
221	Special Nutrition Programs: Fluid Milk Substitutions ( <b>Reg Plan Seq No. 13</b> ) .....	0584-AD58
222	Direct Certification of Children in Food Stamp Households and Certification of Homeless, Migrant, and Runaway Children for Free Meals in the NSLP, SBP, and SMP ( <b>Reg Plan Seq No. 14</b> ) .....	0584-AD60
223	School Food Safety: Hazard Analysis and Critical Control Point System .....	0584-AD65

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
224	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. 20</b> ) .....	0583-AC46

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

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
225	Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle .....	0583-AC88

BILLING CODE 3410-90-S

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

**Prerule Stage**

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

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

**RIN:** 0581-AB97

**189. • NATIONAL ORGANIC PROGRAM: DAIRY REPLACEMENT ANIMALS (LIVESTOCK) (TM-07-03)**

**Legal Authority:** 7 USC 6501

**Abstract:** The Agricultural Marketing Service (AMS) is amending the National Organic Program regulations to clarify the regulations. This rule is

seeking input on the following issues: (1) Are the current origin of livestock requirements in the NOP regulations adequate for dairy livestock under principles of organic livestock management and production? (2) If the current origin of livestock requirements as described in the NOP regulations are

## USDA—AMS

## Prerule Stage

not adequate, how should they be changed? (3) If the regulations should be changed, how much time should be allowed for the industry to implement the regulation change? This action is being taken to ensure that NOP regulations are clear and consistent, stimulate growth of the organic sector, satisfy consumer expectations, and allow organic producers and handlers

flexibility in making site-specific, real-time management decisions.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator,

National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: mark.bradley@usda.gov

**RIN:** 0581-AC69

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

## Proposed Rule Stage

**190. 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	

Action	Date	FR Cite
NPRM	12/00/07	
Final Action	05/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-3252  
Fax: 202 205-7808  
Email: mark.bradley@usda.gov

**RIN:** 0581-AC57

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

## Final Rule Stage

**191. MANDATORY COUNTRY OF ORIGIN LABELING OF BEEF, PORK, LAMB, FISH, PERISHABLE AGRICULTURAL COMMODITIES, AND PEANUTS (LS-03-04)**

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

**RIN:** 0581-AC26

**192. MANDATORY REPORTING FOR DAIRY PROGRAMS (DA-06-07)**

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

**RIN:** 0581-AC66

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

## Completed Actions

**193. CHANGES IN FEES AND HOURLY FEE RATES FOR SCIENCE AND TECHNOLOGY LABORATORY SERVICES (ST-05-01)**

**Legal Authority:** 7 USC 1621 through 1627

**Abstract:** The Agricultural Marketing Service is changing the hourly fee rates

for Science and Technology (S&T) Laboratory Services. The Agency is raising these rates to reflect, among other factors, national and locality pay increases for Federal employees and inflation, operating costs, instrumentation and training, and program and Agency administrative

overhead costs. In the past, AMS has amended its regulations on an as needed basis in order to recover laboratory program costs. With this regulation, AMS is providing for three annual standard hourly fee rate increases for fiscal years 2007-2009. This will provide the agricultural

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## Completed Actions

commodity industries and other stakeholders with more timely and relevant information regarding user fees for voluntary laboratory testing services. The Agency is also removing tables and schedules with listings of individual tests and services. Three annual hourly fee rate adjustments are established by this action for appeals, holiday, and overtime services to reflect the anticipated increase cost of

providing these laboratory services each fiscal year. The regulations also are updated to identify current facility addresses. Part 92 is obsolete and therefore has been removed.

**Completed:**

Reason	Date	FR Cite
Final Action	03/30/07	72 FR 15011
Final Action Effective	03/31/07	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** James V. Falk  
Phone: 202 690-4089  
Fax: 202 720-4631  
Email: james.falk@usda.gov

**RIN:** 0581-AC48

**BILLING CODE** 3410-02-S

## Department of Agriculture (USDA)

## Proposed Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**194. 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 based on each risk classification. These changes are necessary to help ensure that cattle infected with tuberculosis are not imported into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/08	
NPRM Comment Period End	05/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**RIN:** 0579-AB44

**195. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS**

**Regulatory Plan:** This entry is Seq. No. 6 in part II of this issue of the **Federal Register**.

**RIN:** 0579-AC02

**196. 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)**

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

**RIN:** 0579-AC03

**197. 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 exotic and wild animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for exotic and wild 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 exotic and wild 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	12/00/07	
NPRM Comment Period End	02/00/08	

**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: 301 734-8271

**RIN:** 0579-AC14

**198. 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 proposal replaces a previously published proposed rule,

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## Proposed Rule Stage

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 proposal 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	12/00/07	
NPRM Comment Period End	02/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Jerry D. DePoyster, Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234  
Phone: 301 734-7586

**RIN:** 0579-AC41

**199. • 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 rulemaking would amend the animal importation regulations to require that steers and spayed heifers with more than 3 inches of horn growth that are entering the United States from Mexico meet more stringent tuberculosis testing requirements than those with 3 inches or less. In their current form, the regulations do not distinguish between steers and spayed heifers imported strictly as feeders and those with sufficient horn growth to enable them to be used as rodeo cattle. Steers and spayed heifers used as rodeo cattle are often maintained longer than feeder cattle and generally come into contact with other cattle in more locations than do steers and spayed heifers imported for feeding purposes. The longer the lifespan of an animal, the greater the chances are that, if exposed to tuberculosis, it will contract the disease, develop generalized disease, and spread it to other animals. The risk of tuberculosis spread is also increased by the number of animals that are exposed to a tuberculosis-infected animal. We believe the risks of tuberculosis transmission associated

with rodeo cattle justify requiring more rigorous tuberculosis testing for such animals than for those imported as feeders. This rulemaking is intended to reduce the risk of imported cattle transmitting tuberculosis to domestic livestock in the United States. This rulemaking replaces a previously published proposed rule, which we are withdrawing as part of this document, that would have required 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment Period End	02/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Francisco Collazo-Mattei, Acting 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

## Department of Agriculture (USDA)

## Final Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**200. 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 extend the requirements for a phytosanitary certificate to additional fruits and vegetables.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/01	66 FR 45637
NPRM Comment Period End	10/29/01	

Action	Date	FR Cite
NPRM; Availability of Risk Assessment	05/24/06	71 FR 29846
NPRM; Availability of Risk Assessment Comment Period End	07/24/06	
Final Rule	03/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Shirley Wager-Page, Branch 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: 301 734-0627

**RIN:** 0579-AB18

**201. 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

## USDA—APHIS

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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 Rule	01/00/08	

**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

## 202. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52451
NPRM Comment Period End	10/25/04	
Final Rule	03/00/08	

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

**Agency Contact:** Diane Sutton, Senior Staff Veterinarian, National Center for Animal Health Programs, 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-AB84

## 203. TRICHINAE CERTIFICATION PROGRAM

**Legal Authority:** 7 USC 8301 to 8317; 7 USC 1622; 21 USC 601

**Abstract:** This action establishes a voluntary Trichinae Certification Program for U.S. pork that has been produced under disease-prevention conditions. Under the program, we will certify pork production sites that follow prescribed good production practices that reduce, eliminate, or avoid the risk of exposure of animals to the zoonotic parasite *Trichinella spiralis*, a disease of swine. Such a program should enhance the ability of producers to export pork and pork products to overseas markets. This program, which will be funded by program fees, has been developed as a cooperative effort by the U.S. Department of Agriculture, the National Pork Board, and the pork processing industry. If adopted, this program will include those producers who choose to participate in the program, as well as slaughter facilities and other persons that handle or process swine from pork production sites that have been certified under the program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27656

Action	Date	FR Cite
NPRM Comment Period End	07/16/07	
Final Rule	03/00/08	

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

**Agency Contact:** Dave Pyburn, National Trichinae Coordinator, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 210 Walnut Street, Room 891, Des Moines, IA 50309

Phone: 515 284-4122

**RIN:** 0579-AB92

## 204. SPECIAL NEED REQUESTS UNDER THE PLANT PROTECTION ACT

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

**Abstract:** This action amends our domestic quarantine regulations to establish a process by which a State or political subdivision of a State could request approval to impose prohibitions or restrictions on the movement in interstate commerce of specific articles that are in addition to the prohibitions and restrictions imposed by the Animal and Plant Health Inspection Service. The Plant Protection Act provides that States or political subdivisions of States may make such special need requests, but there are currently no procedures in place for their submission or consideration. This action establishes a process by which States may make a special need request.

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/06	71 FR 16711
NPRM Comment Period End	06/05/06	
Final Rule	03/00/08	

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

**Agency Contact:** Valerie DeFeo, Staff Officer, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737-1237

Phone: 301 734-8247

**RIN:** 0579-AB98



## USDA—APHIS

## Final Rule Stage

**205. 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 establishes standards for the approval of permanent, privately owned quarantine facilities for horses. We are taking this action because demand for quarantine services for horses exceeds the space available at existing facilities. We believe that 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 Rule	03/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Freeda Isaac, Staff Veterinarian, VS, National Center for Import and Export, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231  
Phone: 301 734-8364

Ellen Buck, Staff Veterinary Medical Officer, Equine Import, 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

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

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

**Abstract:** This rulemaking amends 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 Rule	12/00/07	

**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

**207. 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
Affirmation of Interim Final Rule	12/00/07	

**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

**208. INTERSTATE MOVEMENT OF CITRUS FRUIT**

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

**Abstract:** This rulemaking amends the regulations to relieve restrictions that currently require citrus producers to ensure that citrus groves in the State of Florida are certified to be free of citrus canker prior to interstate movement of citrus fruit. This action also requires that all inspection of fruit for symptoms of citrus canker as well as treatments and packaging of citrus fruit to be moved interstate occur in packinghouses that operate under a compliance agreement with APHIS. This action allows the interstate movement of fresh citrus fruit from Florida, provided the fruit does not

## USDA—APHIS

## Final Rule Stage

exhibit symptoms of citrus canker and is handled in accordance with the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/07	72 FR 34180
NPRM Comment Period End	07/23/07	
Information Collection Requirements; Comment Period End	08/20/07	
NPRM Comment Period Reopened	07/27/07	72 FR 41239
NPRM Comment Period End	08/07/07	
Final Rule	11/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Stephen R. Poe, Senior Operations Officer, EDP, 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-AC34

**209. • BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS; IDENTIFICATION OF RUMINANTS AND PROCESSING AND IMPORTATION OF COMMODITIES**

**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 and animal products to remove several restrictions regarding the identification of animals and the processing of ruminant materials from regions that present a minimal risk of introducing bovine spongiform encephalopathy (BSE) into the United States. We have determined that these restrictions are not necessary to prevent the introduction of BSE into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/06	71 FR 45439
NPRM Comment Period Extended	11/09/06	71 FR 65758

Action	Date	FR Cite
NPRM Comment Period End	11/24/06	
Final Action	11/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Karen A. James-Preston, Director, Technical Trade Services Team, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737

Phone: 301 734-4356

Lee Ann Thomas, Director, Animals, Organisms and Vectors, and Select Agents, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231

Phone: 301 734-5960

**RIN:** 0579-AC45

## Department of Agriculture (USDA)

## Animal and Plant Health Inspection Service (APHIS)

## Long-Term Actions

**210. 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 is undertaking rulemaking to amend its plant pest regulations by: (1) Setting out the criteria that will be used by APHIS when considering whether an organism is a plant pest; (2) adding a permit category for organisms that would be released into the environment for purposes such as the biological control of weeds; (3) establishing a notification system that could be used in place of permits for the importation and interstate movement of regulated organisms; and (4) revising or amending existing portions of the regulations to clarify or update requirements, eliminate redundancy, and make the regulations easier for the public to use. This action will serve as a follow-up to the advance notice of proposed rulemaking that APHIS published in the Federal Register on

September 27, 1996, to solicit input on the need for regulatory changes and alternative methods of addressing plant pest risk.

**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	
Withdrawal and Reproposal	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Agency Contact:** Robert Flanders  
Phone: 301 734-5930

**RIN:** 0579-AA80

**211. 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.

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End	07/29/02	
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Barbara Kohn  
Phone: 301 734-8271

**RIN:** 0579-AB24

**212. 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

**213. CITRUS CANCKER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK**

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

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

**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	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Stephen R. Poe  
Phone: 301 734-4387

**RIN:** 0579-AC05

**214. CITRUS CANCKER; 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 to 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

Action	Date	FR Cite
Interim Final Rule Effective	08/01/06	
Interim Final Rule Comment Period End	10/02/06	
Technical Amendment	01/12/07	72 FR 1415
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Stephen R. Poe  
Phone: 301 734-4387

**RIN:** 0579-AC07

**215. 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 would amend the user fee regulations by adjusting the fees charged for export certification of plants and plant products. The rule would increase these user fees to reflect the anticipated costs associated with providing these services. It would also add 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 administrative costs associated with that service. Finally, it would make several nonsubstantive changes to the regulations for clarity. These changes would 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	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Karen Bedigian  
Phone: 301 734-4382

Kris Caraher  
Phone: 301 734-5901

**RIN:** 0579-AC22

**Department of Agriculture (USDA)**

**Completed Actions**

**Animal and Plant Health Inspection Service (APHIS)**

**216. REVISION OF FRUITS AND VEGETABLES IMPORT REGULATIONS**

**Legal Authority:** 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8311; 21 USC 136 and 136a; 31 USC 9701

**Abstract:** This rule will revise and reorganize the regulations pertaining to the importation of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, update the regulations that apply to importations into territories under U.S. administration, and make various editorial and nonsubstantive changes to regulations to make them easier to use. The rule will also make substantive changes to the regulations, including: Establishing criteria that, if met, will allow us to approve certain new fruits and vegetables for importation into the United States and to acknowledge pest-free areas in foreign countries more effectively and expeditiously and doing away with the practice of listing in the regulations specific commodities that may be imported subject to certain types of phytosanitary measures. These changes are intended to simplify and expedite our processes for approving certain new imports and pest-free areas while continuing to allow for full public participation in the processes. This rule revises the structure of the fruits and vegetables import regulations and establishes a new process for approving certain new commodities for

importation into the United States. It does not, however, allow the importation of any specific new fruits or vegetables, nor does it alter the conditions for importing currently approved fruits or vegetables except as specifically described in this document. To the extent that our trading partners consider the length of time it takes to conduct the rulemaking process a trade barrier, these changes may facilitate the export of U.S. agricultural commodities by reducing that time for fruits and vegetables that meet this rule's criteria. The changes do not alter the manner in which the risk associated with a commodity import request is evaluated, nor do they alter the manner in which those risks are ultimately mitigated.

**Completed:**

Reason	Date	FR Cite
Final Action	07/18/07	72 FR 39482
Final Action Effective	08/17/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Donna L. West  
Phone: 301 734-8758

**RIN:** 0579-AB80

**217. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES**

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

**Abstract:** This action amends the requirements for the importation of certain live ruminants and ruminant products to establish conditions for the importation of additional commodities. The commodities addressed by the rulemaking include live bovines born after the date of effective enforcement of a ruminant-to-ruminant feed ban in the region of export, blood and blood products derived from bovines, and casings and part of the small intestine of bovines from regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States.

**Completed:**

Reason	Date	FR Cite
NPRM	01/09/07	72 FR 1102
Final Rule	09/18/07	72 FR 53314
Final Rule Effective	11/19/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Karen A. James-Preston  
Phone: 301 734-4356

Lee Ann Thomas  
Phone: 301 734-5960

Lisa Ferguson  
Phone: 301 734-6954

**RIN:** 0579-AC01  
**BILLING CODE** 3410-34-S

**Department of Agriculture (USDA)**

**Final Rule Stage**

**Rural Housing Service (RHS)**

**218. 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	

**Action**

Date	FR Cite
01/00/08	
02/00/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Roger Glendenning, Director, Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250-0780  
Phone: 202 720-1480  
Fax: 202 205-2476  
Email: roger.glendenning@wdc.usda.gov

**RIN:** 0575-AC18

**219. THERMAL REQUIREMENTS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

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

**Abstract:** The current Agency procedure, section 1924.6 (a)(3)(i)(A), requires that surety be provided when the construction contract exceeds \$100,000. This Procedure Notice changes the surety requirements in 1924-A [section 1924.6 (a)(3)(i)(A)] from a \$100,000 contract amount to the Rural Development Single-Family Housing area lending limits, which will vary with the locality. This will liberalize the requirement for surety and take into account the increase in

## USDA—RHS

## Final Rule Stage

construction cost of single-family homes in the Rural Development's Single-Family Housing Program since the last revision (1980) to this section of the regulation. This should ease the burden on small contractors for whom obtaining surety is difficult and expensive, additionally reducing costs to our single-family housing borrowers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27470
NPRM Comment Period End	07/16/07	
Final Action	12/00/07	
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michel Mitias, Architect—Program Support Staff, Department of Agriculture, Rural Housing Service, STOP 0761, 1400 Independence Avenue SW, Washington, DC 20250  
Phone: 202 720-9653  
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Email: michel.mitias@wdc.usda.gov

**RIN:** 0575-AC65  
**BILLING CODE** 3410-XV-S

**Department of Agriculture (USDA)**  
**Food and Nutrition Service (FNS)**

## Final Rule Stage

**220. ADMINISTRATIVE ERROR REDUCTION IN THE SCHOOL MEALS PROGRAMS**

**Legal Authority:** PL 108-265

**Abstract:** Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 (Act), amended the Richard B. Russell National School Lunch Act and section 7 of the Child Nutrition Act of 1966 in the following ways. The new law:

— Establishes the additional category of schools at high risk for administrative errors, as defined by the Secretary, that are subject to an additional administrative review;

— Details a corrective action plan for States that fail to meet Secretary's performance criteria;

— Allocates funds to States based on number of local education agencies with high level or high risk for administrative error. (04-010)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/08	
Interim Final Rule Effective	03/00/08	
Interim Final Rule Comment Period End	04/00/08	
Final Action	09/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
Phone: 703 305-2246  
Email: sheri.ackerman@fns.usda.gov

**RIN:** 0584-AD52

**221. SPECIAL NUTRITION PROGRAMS: FLUID MILK SUBSTITUTIONS**

**Regulatory Plan:** This entry is Seq. No. 13 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AD58

**222. DIRECT CERTIFICATION OF CHILDREN IN FOOD STAMP HOUSEHOLDS AND CERTIFICATION OF HOMELESS, MIGRANT, AND RUNAWAY CHILDREN FOR FREE MEALS IN THE NSLP, SBP, AND SMP**

**Regulatory Plan:** This entry is Seq. No. 14 in part II of this issue of the **Federal Register**.

**RIN:** 0584-AD60

**223. SCHOOL FOOD SAFETY: HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEM**

**Legal Authority:** PL 108-265

**Abstract:** In response to Public Law 108-265, which amended the Richard B. Russell National School Lunch Act, the National School Lunch Program and School Breakfast Program regulations will be revised to require that school food authorities implement a school food safety program for the preparation and service of meals that complies with any "hazard analysis and critical control point" system established by USDA through guidance, training, and technical assistance. (04-023)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/07	
Interim Final Rule Effective	12/00/07	
Interim Final Rule Comment Period End	02/00/08	
Final Action	05/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sharon Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, Room 918, 3101 Park Center Drive, Alexandria, VA 22302  
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**RIN:** 0584-AD65  
**BILLING CODE** 3410-30-S

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

**Final Rule Stage**

**224. 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. 20 in part II of this issue of the **Federal Register**.

**RIN:** 0583-AC46

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

**Completed Actions**

**225. PROHIBITION OF THE USE OF  
 SPECIFIED RISK MATERIALS FOR  
 HUMAN FOOD AND REQUIREMENTS  
 FOR THE DISPOSITION OF  
 NON-AMBULATORY DISABLED  
 CATTLE**

**Legal Authority:** 21 USC 601 et seq

**Abstract:** On January 12, 2004, the Food Safety and Inspection Service (FSIS) issued an interim final rule to amend the Federal meat inspection regulations to designate the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine of all cattle, as "specified risk materials" (SRMs). The Agency declared that SRMs are inedible and

prohibited their use for human food. In addition, as a result of the interim final rule, FSIS now requires that all non-ambulatory disabled cattle presented for slaughter be condemned. The Agency also requires that federally inspected establishments that slaughter cattle and federally inspected establishments that process the carcasses or parts of cattle develop, implement, and maintain written procedures for the removal, segregation, and disposition of SRMs. Establishments must incorporate these procedures into their HACCP plans or in their Sanitation SOPs or other prerequisite program. FSIS took this action in response to the diagnosis on December 23, 2003, by the U.S. Department of Agriculture of a positive case of bovine spongiform encephalopathy (BSE) in an adult Holstein cow in the State of Washington. This action is intended to

minimize human exposure to materials that scientific studies have demonstrated as containing the BSE agent in cattle infected with the disease. Infectivity has never been demonstrated in the muscle tissue of cattle experimentally or naturally infected with BSE at any stage of the disease.

**Completed:**

Reason	Date	FR Cite
Final Action	07/13/07	72 FR 38700

**Regulatory Flexibility Analysis  
 Required: Yes**

**Agency Contact:** Daniel L. Engeljohn  
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**RIN:** 0583-AC88

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