



Federal Register

**Monday,
November 24, 2008**

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, Fall 2008

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order 12866 “Regulatory Planning and Review.” The agenda also describes regulations affecting small entities as required by section 602 of the

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

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

USDA’s complete regulatory agenda is available online at www.reginfo.gov. 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 12, 2008.

Michael Poe,

Chief, Legislative and Regulatory Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
130	National Organic Program: Access to Pasture (TM-05-14)	0581-AC57
131	National Organic Program: Dairy Replacement Animals (Livestock) (TM-07-03)	0581-AC69
132	Mushroom Promotion, Research and Consumer Information Order (FV-08-702)	0581-AC82

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
133	Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-07-0081)	0581-AC26
134	Dairy Import Assessments (DA-08-07)	0581-AC87
135	Specialty Crop Block Grant Program (Farm Bill)	0581-AC88

Agricultural Marketing Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
136	National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals, (TM-01-08)	0581-AB97
137	National Organic Program, Sunset (2011)(Crops and Processing) (TM-07-14)	0581-AC77

USDA

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
138	Mandatory Reporting for Dairy Programs (DA-06-07)	0581-AC66
139	National Organic Program, Sunset (2008) (TM-07-12)	0581-AC76
140	Federal Milk Marketing Orders (DA-08-04)	0581-AC85
141	Dairy Forward Pricing Program (DC-08-05)	0581-AC86

Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
142	Emergency Forest Restoration Program	0560-AH89
143	Biomass Crop Assistance Program	0560-AH92
144	Farm Loan Programs Loan Making Activities	0560-AI03
145	Conservation Loan Guarantee Program	0560-AI04
146	Loan Servicing; Farm Loan Programs	0560-AI05

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
147	Animal Welfare; Regulations and Standards for Birds (Reg Plan Seq No. 1)	0579-AC02
148	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) (Reg Plan Seq No. 2)	0579-AC03
149	Tuberculosis in Cattle; Import Requirements for Roping Steers	0579-AC50
150	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products (Reg Plan Seq No. 3)	0579-AC68
151	Handling of Animals; Contingency Plans	0579-AC69

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

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
152	Phytosanitary Certificates for Imported Fruits and Vegetables	0579-AB18
153	Phytophthora Ramorum; Quarantine and Regulations	0579-AB82
154	Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements	0579-AB84
155	Boll Weevil; Quarantine and Regulations	0579-AB91
156	Standards for Permanent, Privately Owned Horse Quarantine Facilities (Section 610 Review)	0579-AC00
157	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579-AC05
158	Citrus Canker; Quarantine of the State of Florida	0579-AC07
159	User Fees; Export Certification for Plants and Plant Products	0579-AC22
160	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering (Reg Plan Seq No. 4)	0579-AC31
161	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza	0579-AC36
162	Citrus Canker; Interstate Movement of Regulated Nursery Stock From Quarantined Areas	0579-AC38
163	Import/Export User Fees	0579-AC59
164	Importation of Cattle From Mexico; Addition of Port at San Luis, Arizona	0579-AC63
165	Revision of Regulations for the Movement of Fruits and Vegetables From Hawaii and U.S. Territories Into the Continental United States	0579-AC70
166	Light Brown Apple Moth Quarantine	0579-AC71
167	Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish	0579-AC74
168	Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations	0579-AC85
169	Sirex Woodwasp; Quarantine and Regulations	0579-AC86

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

USDA

Animal and Plant Health Inspection Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
170	Plant Pest Regulations; Update of Current Provisions (Section 610 Review)	0579-AA80
171	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review)	0579-AB24
172	Foot-and-Mouth Disease; Payment of Indemnity	0579-AB34
173	Tuberculosis in Cattle; Import Requirements (Section 610 Review)	0579-AB44
174	Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products	0579-AB97
175	National Veterinary Accreditation Program (Rulemaking Resulting From a Section 610 Review)	0579-AC04
176	Agricultural Inspection and AQI User Fees Along the U.S./Canada Border	0579-AC06
177	Minimum Age Requirements for the Transport of Animals	0579-AC14
178	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine Mammals	0579-AC41
179	Bovine Tuberculosis	0579-AC73

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
180	Trichinae Certification Program	0579-AB92
181	Special Need Requests Under the Plant Protection Act	0579-AB98

Rural Housing Service—Final Rule Stage

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

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
183	Federal-State Interstate Shipment Cooperative Inspection Program (Reg Plan Seq No. 14)	0583-AD37

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
184	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 (Reg Plan Seq No. 15)	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
185	Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls	0583-AD10

USDA

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
186	Special Areas; State-Specific Inventoried Roadless Area Management: Colorado (Reg Plan Seq No. 19)	0596-AC74

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

Office of the Secretary—Proposed Rule Stage

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

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
189	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)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

130. 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	

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-AC57

131. 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

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

USDA—AMS

Proposed Rule Stage

Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AC69

132. • 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	11/00/08	
Final Action	04/00/09	

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
Phone: 202 720-9915
Fax: 202 205-2800
Email: sonia.jimenez@usda.gov

RIN: 0581-AC82

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

Final Rule Stage

133. MANDATORY COUNTRY OF ORIGIN LABELING OF BEEF, PORK, LAMB, FISH, PERISHABLE AGRICULTURAL COMMODITIES, AND PEANUTS (LS-07-0081)

Legal Authority: 7 USC 1621 through 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.

Timetable:

Action	Date	FR Cite
NPRM	10/30/03	68 FR 61944
NPRM Comment Period End	12/29/03	
Interim Final Rule	10/05/04	69 FR 59708

Action	Date	FR Cite
Interim Final Rule	01/03/05	
Comment Period End		
Interim Final Rule Effective	04/04/05	
Comment Period Extended	11/27/06	71 FR 68431
Comment Period End	02/26/07	
Comment Period Extended	06/20/07	72 FR 33851
Comment Period End	08/20/07	
Interim Final Rule	08/01/08	73 FR 45105
Interim Final Rule Comment Period End	08/30/08	73 FR 45106
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Erin Morris, Department of Agriculture, Agricultural Marketing Service, 14th and Independence Avenue SW, Washington, DC 20250
Phone: 202 720-5131
Email: erin.morris@usda.gov

RIN: 0581-AC26

134. • 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 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	11/00/08	

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
Fax: 202 720-0285
Email: whitney.rick@usda.gov

RIN: 0581-AC87

135. • 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 un the Food, Conservation, and Energy Act of 2008. Section 101 direction the Secretary of Agriculture to make grants available to States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/04/08	73 FR 51585

USDA—AMS

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Effective	09/05/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Trista Etzig, Project Manager, Department of Agriculture, Agricultural Marketing Service, Room 2086—South, STOP 0243, 1400

Independence Avenue SW,
Washington, DC 20250
Phone: 202 690-4942
Email: trista.etzig@usda.gov

RIN: 0581-AC88

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

Long-Term Actions

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

Legal Authority: 7 USC 6501 through 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
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AB97

137. 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 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
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AC77

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

Completed Actions

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

Legal Authority: PL 106-532

Abstract: The Agricultural Marketing Service is proposing to establish a Dairy Product Mandatory Reporting Program. The program would: (1) Require persons engaged in manufacturing dairy products to provide the Department of Agriculture certain information including price, quantity, and moisture content of dairy products sold by the manufacturer and (2) require manufacturers and other persons storing dairy products to report to USDA information on the quantity of dairy products stored.

Completed:

Reason	Date	FR Cite
Final Action	06/17/08	73 FR 34175
Final Action Effective	06/22/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Mengel
Phone: 202 720-4664
Email: john.mengel@usda.gov

RIN: 0581-AC66

139. NATIONAL ORGANIC PROGRAM, SUNSET (2008) (TM-07-12)

Legal Authority: 7 USC 6501

Abstract: This rule pertains to The Agricultural Marketing Services'

National Organic Program. This amendment announces the sunset of 11 exempted substance and 1 prohibited substance added to the National List. This rule also begins the public comment process on whether the identified existing exemptions or prohibitions should be continued. Finally, this rule discusses how the NOP will manage the sunset review and renewal process.

Completed:

Reason	Date	FR Cite
NPRM	07/14/08	73 FR 40194
Final Rule	10/09/08	73 FR 59479
Final Rule Effective	11/03/08	

USDA—AMS

Completed Actions

Regulatory Flexibility Analysis**Required:** Yes**Agency Contact:** Richard H. Mathews

Phone: 202 720-3252

Fax: 202 205-7808

Email: richard.mathews@usda.gov

RIN: 0581-AC76**140. • FEDERAL MILK MARKETING ORDERS (DA-08-04)****Legal Authority:** 7 USC 601 to 674 and 7253

Abstract: This document informs interested parties of a final rule that the Agricultural Marketing Service will publish establishing "Rules of Practice" for the Federal Milk Marketing Order rulemaking process. This document is being published as a result of legislation enacted by the Food, Conservation, and Energy Act of 2008 (Farm Bill).

Timetable:

Action	Date	FR Cite
Final Action	08/20/08	73 FR 49085
Final Action Effective	08/20/08	

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: William Richmond, Marketing Specialist, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 691-8041

Fax: 202 690-0552

Email: william.richmond@usda.gov

RIN: 0581-AC85**141. • DAIRY FORWARD PRICING PROGRAM (DC-08-05)****Legal Authority:** PL 110-246

Abstract: The Agricultural Marketing Service is establishing a program for producers and cooperative associations to enter voluntarily into forward price contracts with handlers for milk used for Class II, III, or IV purposes.

Timetable:

Action	Date	FR Cite
Final Action	10/31/08	73 FR 64868

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: John Mengel, Chief Economist, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 720-4664

Email: john.mengel@usda.gov

RIN: 0581-AC86**BILLING CODE** 3410-02-S

Department of Agriculture (USDA)

Farm Service Agency (FSA)

Proposed Rule Stage

142. • 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 owner 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	11/00/08	

Regulatory Flexibility Analysis**Required:** Yes

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AH89**143. • 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 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 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
NPRM	11/00/08	

Regulatory Flexibility Analysis**Required:** Yes

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

Phone: 202 205-5851

Fax: 202 720-5233

Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AH92**144. • FARM LOAN PROGRAMS LOAN MAKING ACTIVITIES****Legal Authority:** PL 110-246

Abstract: The proposed 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

USDA—FSA

Proposed Rule Stage

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, 5501, Loans to Purchase Highly Fractionated Land. Required changes are:

Any farm experience, without regard to time elapsing between farm experiences, will be considered in determining whether a loan applicant meets experience requirements for direct ownership loan eligibility.

The Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program Down Payment Loan pilot program initiated in the 2002 Farm Bill will be permanent. Program eligibility is expanded to socially disadvantaged farmers in addition to beginning farmers. The program is similar to the pilot but expands to provide a guarantee of 90 percent of principal and interest in addition to the prompt payment guarantee provided under the pilot. A transition period is authorized but all changes must be in place for fiscal year 2011.

Any farm experience, no matter when it occurred, must be considered in determining whether a loan applicant meets experience requirements for direct operating loan eligibility.

For emergency disaster loans, the definition of a farmer or rancher includes equine farmers or ranchers, making equine farmers and ranchers potentially eligible for these loans.

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 non-profit 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 match must be the participants' deposits at a minimum of 100 percent and a maximum of 200

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

Regulatory Flexibility Analysis Required: Yes

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

RIN: 0560-AI03

145. • CONSERVATION LOAN GUARANTEE PROGRAM

Legal Authority: PL 110-246

Abstract: The proposed 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 direct 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	08/00/09	

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
Fax: 202 720-5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AI04

146. • 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. The Agency proposes the following revisions: 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. The Agency 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, the Agency 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

USDA—FSA

Proposed Rule Stage

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	01/00/09	

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
Fax: 202 720-5233
Email: deirdre.holder@wdc.usda.gov

RIN: 0560-AI05

BILLING CODE 3410-05-S

Department of Agriculture (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

147. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS

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

RIN: 0579-AC02

148. 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. 2 in part II of this issue of the **Federal Register**.

RIN: 0579-AC03

149. 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 additional tuberculosis testing of steers and spayed heifers that may be used as rodeo cattle. The current regulations do not distinguish between steers and spayed heifers imported as feeders from those 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.

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	
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 and Reproposal	03/00/09	
NPRM Comment Period End	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

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

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

RIN: 0579-AC68

151. 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	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jodie Kulpa-Eddy, Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737

Phone: 301 734-7833

RIN: 0579-AC69

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

Final Rule Stage

152. 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 Rule	03/00/09	

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

153. 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 Rule	03/00/09	

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

154. 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	03/00/09	

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

155. 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 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 Rule	03/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: William Grefenstette, National Coordinator, Boll Weevil Eradication Program, PPQ, Department of Agriculture, Animal and Plant

USDA—APHIS

Final Rule Stage

Health Inspection Service, 4700 River Road, Unit 138, Riverdale, MD 20737
Phone: 301 734-8676

RIN: 0579-AB91

156. 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 Rule	03/00/09	

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

157. CITRUS CANCKER; 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 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	12/00/08	

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

158. 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 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 Rule	01/12/07	72 FR 1415
	04/00/09	

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

159. 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 2008 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	03/00/09	

Regulatory Flexibility Analysis

Required: Yes

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

USDA—APHIS

Final Rule Stage

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

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

RIN: 0579–AC31

161. 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	03/00/09	
Interim Final Rule Comment Period End	05/00/09	

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

162. 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. The interstate movement of regulated nursery stock from an area quarantined for citrus canker poses a high risk of spreading citrus canker outside the quarantined area. This action is necessary to clarify our regulations and to address the risk associated with the interstate movement of regulated nursery stock from areas quarantined for citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/22/07	72 FR 13423
Interim Final Rule Effective	03/16/07	
Interim Final Rule Comment Period End	05/21/07	
Comment Period Extended	05/23/07	72 FR 28827
Comment Period End	06/11/07	
Comment Period Reopened	01/29/08	73 FR 5085
Comment Period End	02/28/08	
Final Rule	11/00/08	

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–AC38

163. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/04/08	73 FR 31771
NPRM Comment Period End	08/04/08	
Final Rule	03/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Inez Hockaday, Director, Management Support Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 44, Riverdale, MD 20737–1231

Phone: 301 734–7517

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–AC59

164. 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

USDA—APHIS

Final Rule Stage

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	11/00/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Betzaida Lopez, 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-AC63

165. 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 would revise and reorganize the regulations pertaining to the interstate movement of fruits and vegetables 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. We are also proposing to make substantive changes to the regulations including: Establishing criteria within the regulations that, if met, would 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 doing away with the practice of listing in the regulations specific commodities as regulated articles. These changes are intended to simplify and expedite our processes for approving certain regulated articles for interstate movement and pest-free areas while continuing to allow for public participation in the processes. This proposal, if adopted, would not allow for the interstate movement of any specific new fruits or vegetables, nor

would it alter the conditions for interstate movement of currently approved fruits or vegetables except as specifically described in this document. These changes would make our domestic interstate movement regulations more consistent with our fruits and vegetables import regulations. The changes would not alter the manner in which the risk associated with a regulated article interstate movement request is evaluated, nor would it alter the manner in which those risks are ultimately mitigated.

Timetable:

Action	Date	FR Cite
NPRM	06/17/08	73 FR 34202
NPRM Comment Period End	08/18/08	
Final Rule	03/00/09	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: David B. Lamb, Import Specialist, Commodity Import Analysis and Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737-1236 Phone: 301 734-8758

RIN: 0579-AC70

166. 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	12/00/08	
Interim Final Rule Comment Period End	02/00/09	

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

167. 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 63867
IFR; Delay of Effective Date	10/28/08	
Interim Final Rule Comment Period End	11/10/08	
Interim Final Rule Effective	01/09/09	

Regulatory Flexibility Analysis

Required: Yes

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

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

RIN: 0579-AC74

USDA—APHIS

Final Rule Stage

168. ● 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 Florida, Guam, Hawaii, Puerto Rico, 8 parishes in Louisiana, and 32 counties in Texas 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	03/00/09	
Interim Final Rule	05/00/09	
Comment Period		
End		

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

169. ● 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	11/00/08	
Interim Final Rule	01/00/09	
Comment Period		
End		

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

Long-Term Actions

170. 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	12/26/96	
Period End		
NPRM	10/09/01	66 FR 51340
NPRM Comment	02/06/02	
Period End		
Withdrawal and Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Robert Flanders

Phone: 301 734-5930

RIN: 0579-AA80

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

Legal Authority: 7 USC 2131 to 2159

Abstract: The U.S. Department of Agriculture regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979, and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached during negotiated rulemaking conducted between September 1995 and July 1996. These include standards affecting variances, indoor facilities, outdoor facilities, space requirements,

and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn
Phone: 301 734-7833

RIN: 0579-AB24

172. 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

USDA—APHIS

Long-Term Actions

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

173. 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

174. 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 Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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

RIN: 0579-AB97

175. 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 Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Agency Contact: Todd Behre
Phone: 301 734-6188

RIN: 0579-AC04

176. 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

USDA—APHIS

Long-Term Actions

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
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Alan S. Green
Phone: 301 734-8261

RIN: 0579-AC06

177. MINIMUM AGE REQUIREMENTS FOR THE TRANSPORT OF ANIMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations by adding minimum age and weaning requirements for the transport in commerce of animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for other regulated animals, despite the risks associated with the early transport of these species. The rule would also provide an exemption to allow animals to be transported without their mothers for medical treatment and for scientific research before reaching the minimum

age and weaning requirement, provided certain conditions are met. Establishing minimum age requirements for the transport of animals and providing for the transport of animals that have not met the minimum age requirements are necessary to help ensure the humane treatment of these animals.

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn
Phone: 301 734-7833

RIN: 0579-AC14

178. ANIMAL WELFARE; CLIMATIC AND ENVIRONMENTAL CONDITIONS FOR TRANSPORTATION OF WARBLOODED 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: Jerry D. DePoyster
Phone: 301 734-7586

RIN: 0579-AC41

179. 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

USDA—APHIS

Long-Term Actions

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)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

180. TRICHINAE CERTIFICATION PROGRAM

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

Abstract: This action will amend the regulations to establish 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 swine to zoonotic parasites of the genus Trichinella. Such a program should enhance the ability of producers to export pork and pork products to overseas markets. This program has been developed as a cooperative effort by the U.S. Department of Agriculture, the National Pork Board, and the pork processing industry. 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.

Completed:

Reason	Date	FR Cite
Final Action	10/10/08	73 FR 60464
Final Action Effective	11/10/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dave Pyburn
Phone: 515 284-4122

RIN: 0579-AB92

181. SPECIAL NEED REQUESTS UNDER THE PLANT PROTECTION ACT

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

Abstract: This action will amend 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 will establish a process by which States may make a special need request.

Completed:

Reason	Date	FR Cite
Final Action	10/23/08	73 FR 63060
Final Action Effective	11/24/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Osama El-Lissy
Phone: 301 734-5459

RIN: 0579-AB98

BILLING CODE 3410-34-S

Department of Agriculture (USDA)

Final Rule Stage

Rural Housing Service (RHS)

182. GUARANTEED SINGLE-FAMILY HOUSING

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

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

provide more guidance on program oversight and monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124
NPRM Comment Period End	02/14/00	
Final Action	01/00/09	

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
Phone: 202 720-1465
Fax: 202 205-2476
Email: joaquin.tremols@wdc.usda.gov

RIN: 0575-AC18

BILLING CODE 3410-XV-S

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

Proposed Rule Stage

**183. • FEDERAL–STATE INTERSTATE
SHIPMENT COOPERATIVE
INSPECTION PROGRAM**

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

RIN: 0583–AD37

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

Final Rule Stage

**184. 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. 15 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

**185. AVAILABILITY OF LISTS OF
RETAIL CONSIGNEES DURING MEAT
OR POULTRY PRODUCT RECALLS**

Legal Authority: 5 USC 301, 552

Abstract: The Food Safety and Inspection Service (FSIS) has proposed to amend the Federal meat and poultry products inspection regulations to provide that the Agency will make available to the public lists of the retail consignees of meat and poultry products that have been voluntarily

recalled by a federally inspected meat or poultry products establishment. FSIS has proposed this action because it believes that making this information available will be of significant value to consumers and the industry. It will clarify what products should be removed from commerce and from consumers' possession because there is reason to believe they are adulterated or misbranded.

Completed:

Reason	Date	FR Cite
Final Action	07/17/08	73 FR 40939

**Regulatory Flexibility Analysis
Required: Yes**

Agency Contact: Philip Derfler
 Phone: 202 720–2709
 Fax: 202 720–2025
 Email: philip.derfler@fsis.usda.gov

RIN: 0583–AD10

BILLING CODE 3410–DM–S

Department of Agriculture (USDA)
Forest Service (FS)

Final Rule Stage

**186. SPECIAL AREAS;
STATE–SPECIFIC INVENTORIED
ROADLESS AREA MANAGEMENT:
COLORADO**

Regulatory Plan: This entry is Seq. No. 19 in part II of this issue of the **Federal Register**.

RIN: 0596–AC74

BILLING CODE 3410–11–S

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

Proposed Rule Stage

187. 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	03/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shana Love, Department of Agriculture, Office of the Assistant Secretary for Administration, Room 209A Whitten Bldg., 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 205–4008
 Email: biopreferred@usda.gov
RIN: 0503–AA35

188. 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	03/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Shana Love, Department of Agriculture, Office of the Assistant Secretary for Administration, Room 209A Whitten Bldg., 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 205–4008
 Email: biopreferred@usda.gov

RIN: 0503–AA36

BILLING CODE 3410–90–S
Department of Agriculture (USDA)
Rural Business—Cooperative Service (RBS)

Proposed Rule Stage

189. • 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 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, STOP 0761, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720–8547
 Fax: 202 690–4335
 Email: larry.fleming@wdc.usda.gov

RIN: 0570–AA69

[FR Doc. E8–21222 Filed 11–21–08; 8:45 am]

BILLING CODE 3410–XY–S