

# National Agricultural Law Center

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## Digest Updates

January 19, 2009 through February 6, 2009

### Agriculture Department

74 Fed. Reg. 4913 (January 29, 2009) (notice). The Department of Agriculture has submitted the following information collection requirements to OMB for review and clearance: Treatment of Fruits and Vegetables. [View this document.](#)

74 Fed. Reg. 4134 (January 23, 2009) (notice). The Department of Agriculture has submitted the following information collection requirements to OMB for review and clearance: Treatment for Fruits and Vegetables; Importation of Clementines from Spain. [View this document.](#)

74 Fed. Reg. 3981 (January 22, 2009) (notice). This notice invites the general public and other public agencies to comment on this proposed information collection, an extension without change of a currently approved collection MyPyramid Tracker and Menu Planner, on-line dietary and physical activity self-assessment tools. [View this document.](#)

### Agricultural Marketing Service

74 Fed. Reg. 3412 (January 21, 2009) (interim final rule with request for comments) (to be codified at 7 C.F.R. Parts 925 and 944). This rule revises the regulatory period when minimum grade, size, quality, and maturity requirements apply to southeastern California grapes under Marketing Order No. 925, and to imported grapes under the table grape import regulation, from April 20 through August 15 of each year to April 10 through July 10 of each year. [View this document.](#)

74 Fed. Reg. 3541 (January 21, 2009) (notice). The Agricultural Marketing Service is establishing a voluntary standard for a naturally raised marketing claim that livestock producers may request to have verified by the Department of Agriculture. [View this document.](#)

### Alcohol and Tobacco Tax and Trade Bureau

74 Fed. Reg. 3422 (January 21, 2009) (final rule; treasury decision) (to be codified at 27 C.F.R. Part 9). This Treasury decision establishes the 4,145-acre "Snipes Mountain" viticultural area in Yakima County, Washington. [View this document.](#)

74 Fed. Reg. 3425 (January 21, 2009) (final rule; treasury decision) (to be codified at 27 C.F.R. Part 9). This Treasury decision expands by 2,635 acres the existing 609,673-acre Paso Robles American viticultural area in San Luis Obispo County, California. [View this document.](#)

## **Animal and Plant Health Inspection Service**

74 Fed. Reg. 5911 (February 3, 2009) (notice). The purpose of this notice is to inform the public of the Federal Government's revised plan to phase in enforcement of the declaration requirement of the Lacey Act and other implementation plans. [View this document.](#)

74 Fed. Reg. 3545 (January 21, 2009) (notice). This notice announces the Animal and Plant Health Inspection Service's intention to request approval of an information collection associated with the National Animal Health Laboratory Network. [View this document.](#)

## **Centers for Disease Control and Prevention**

74 Fed. Reg. 3608 (January 21, 2009) (notice with comment period). The Centers for Disease Control and Prevention is announcing its intent to rescind its February 4, 2004 order and subsequent amendments prohibiting the importation of birds and bird products from specified countries based on the threat that imports from such countries increases the risk that highly pathogenic avian influenza H5N1 may be introduced into the United States. [View this document.](#)

## **Commodity Credit Corporation**

74 Fed. Reg. 6117 (February 5, 2009) (interim rule; reopening and extension of comment period). The Commodity Credit Corporation published an interim rule on December 29, 2008 revising rules about payment limitation and payment eligibility for Farm Programs. This notice extends the comments period by 60 days on the amendments to the regulations that will apply to 2009 and subsequent crop, program, or fiscal year benefits for programs subject to the provisions in our regulations. [View this document.](#)

74 Fed. Reg. 3983 (January 22, 2009) (notice of availability of program funds). The Commodity Credit Corporation announces the availability of an additional \$23 million of technical and financial assistance funds in fiscal year 2009 through the Chesapeake Bay Watershed Initiative to agricultural producers in eligible states. [View this document.](#)

74 Fed. Reg. 3855 (January 21, 2008) (interim final rule with request for comments) (to be codified at 7 C.F.R. Part 1415). This interim final rule sets forth how USDA will implement the Grasslands Reserve Program in response to the changes made to the program by section 2403 of the Food, Conservation, and Energy Act of 2008 and incorporates other changes to the regulation for clarification or program administrative improvement. [View this document.](#)

## **Commodity Futures Trading Commission**

74 Fed. Reg. 3475 (January 21, 2009) (proposed rule; withdrawal of previous proposed rule) (to be codified at 17 C.F.R. Part 38). The Commission withdraws the proposed amendments to the definition of public director published on March 26, 2007, and proposes and seeks public comment on updated proposed amendments to the definition of public director. [View this document.](#)

74 Fed. Reg. 3570 (January 21, 2009) (notice). The Commodity Futures Trading Commission is providing notice requiring foreign boards of trade that may receive Commission staff no-action relief permitting them to make their automated trading systems directly available from the U.S. to comply with additional conditions for the no-action relief to remain effective if they list for trading from the U.S. contracts that are linked to contracts traded on certain U.S.-based entities. The Commission is also providing notice that it is revising its policy regarding the notification procedures applicable to listing an option on a futures contract that already is (or can be) listed for trading from the U.S. [View this document.](#)

74 Fed. Reg. 3572 (January 21, 2009) (notice). This notice announces that the Information Collection Request abstracted below has been forwarded to the Office of Management and Budget: Rules Relating to Regulation of Domestic Exchange-Traded Options. [View this document.](#)

## Department of Energy

74 Fed. Reg. 6272 (February 6, 2009) (notice). This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000. [View this document.](#)

74 Fed. Reg. 6017 (February 4, 2009) (notice). This notice announces a meeting of the Biological and Environmental Research Advisory Committee. [View this document.](#)

## Environmental Protection Agency

74 Fed. Reg. 6031 (February 4, 2009) (notice). This notice announces EPA's receipt of an application 524-EUP-1 from Monsanto Company requesting to amend and extend an experimental use permit for the plant-incorporated protectant Bacillus thuringiensis Cry1Ac protein and the genetic material necessary for its production in MON 87701 soybean. [View this document.](#)

74 Fed. Reg. 4959 (January 29, 2009) (notice; correction). This document is being issued to correct a typographical error in the EPA's Final Work Plan and Proposed Final Decision for the pesticide case L-Lactic Acid in the Federal Register of December 24, 2008. [View this document.](#)

74 Fed. Reg. 4744 (January 27, 2009) (notice). The Environmental Protection Agency, Office of Research and Development, gives notice of a meeting of the Board of Scientific Counselors Science and Technology for Sustainability Subcommittee. [View this document.](#)

74 Fed. Reg. 4432 (January 26, 2009) (notice). EPA has submitted the following information collection requirements to OMB for review and clearance: New Source Performance Standards for Grain Elevators (renewal). [View this document.](#)

74 Fed. Reg. 4190 (January 23, 2009) (notice). EPA encourages coastal and Great Lakes States and coastal and Great Lakes Tribes to apply for BEACH Act grants to develop or implement effective and comprehensive coastal recreation water monitoring and public notification programs. [View this document.](#)

74 Fed. Reg. 3442 (January 21, 2009) (final rule) (to be codified at 40 C.F.R. Part 52). EPA is finding that California has failed to submit, for the San Joaquin Valley extreme 1-hour ozone nonattainment area, a State Implementation Plan revision required by Clean Air Act sections 172(c)(1), 182(b)(2) and 182(f). [View this document.](#)

74 Fed. Reg. 3592 (January 21, 2009) (notice of proposed permit issuance). EPA Region 6 Water Quality Protection Division is proposing for public comment the issuance of a National Pollutant Discharge Elimination System general permit for discharges from eligible owners/operators of existing concentrated animal feeding operations, in New Mexico, except those discharges on Indian Country. [View this document.](#)

## Farm Credit Administration

74 Fed. Reg. 6034 (February 3, 2009) (notice). Notice is hereby given of the regular meeting of the Farm Credit Administration Board. [View this document.](#)

## Fish and Wildlife Service

74 Fed. Reg. 5941 (February 3, 2009) (notice). The North American Wetlands Conservation Council will meet to select North American Wetlands Conservation Act grant proposals for recommendation to the Migratory Bird Conservation Commission. Interested persons may present oral or written statements. [View this document.](#)

## Food and Drug Administration

74 Fed. Reg. 4039 (January 22, 2009) (notice). The Food and Drug Administration is announcing the availability of Compliance Policy Guide Sec. 540.370-Fish and Fishery Products-Decomposition. [View this document.](#)

74 Fed. Reg. 3615 (January 21, 2009) (notice). The Food and Drug Administration is announcing the availability of two draft documents: "Report of Quantitative Risk and Benefit Assessment of Commercial Fish Consumption, Focusing on Fetal Neurodevelopmental Effects (Measured by Verbal Development in Children) and on Coronary Heart Disease and Stroke in the General Population" and "Summary of Published Research on the Beneficial Effects of Fish Consumption and Omega-3 Fatty Acids for Certain Neurodevelopmental and Cardiovascular Endpoints." [View this document.](#)

74 Fed. Reg. 3617 (January 21, 2009) (notice; request for comments and for scientific data and information). The Food and Drug Administration is requesting comments and scientific data and information that would assist the agency in its plans to conduct a risk assessment of the public health impact of foodborne *Listeria monocytogenes* in some ready-to-eat foods sliced, prepared, and/or packaged in retail facilities. [View this document.](#)

## Food Safety and Inspection Service

74 Fed. Reg. 4731 (January 27, 2009) (notice; request for comments). This notice announces a public meeting to provide information and receive public comments on agenda items and draft United States positions that will be discussed at the 41st Session of the Codex Committee on Food Additives of Codex Alimentarius Commission, to be held in Shanghai, China, on March 16-20, 2009. [View this document.](#)

## Forest Service

74 Fed. Reg. 5107 (January 29, 2009) (final rule; notice of delay of effective date and comment period). The Department is delaying the effective date and opening for public comment of the rule published on December 29, 2009 regulating the sustainable free use, commercial harvest, and sale of special forest products and forest botanical products from National Forest System lands. [View this document.](#)

## International Trade Administration

74 Fed. Reg. 6139 (February 5, 2009) (notice). This notice announces the extension of the time limits for the preliminary results of the administrative review covering certain non-frozen apple juice concentrate from the People's Republic of China. [View this document.](#)

74 Fed. Reg. 6015 (February 4, 2009) (notice). This notice announces the extension of time limits for the preliminary results of the new shipper reviews covering certain frozen fish fillets from the Socialist Republic of Vietnam. [View this document.](#)

74 Fed. Reg. 5922 (February 3, 2009) (notice). This notice announces the final results of the eleventh countervailing duty administrative review covering certain pasta from Italy. [View this document.](#)

74 Fed. Reg. 5819 (February 2, 2009) (notice). This notice announces the final results of the expedited sunset review of the antidumping duty order covering certain frozen fish fillets from the Socialist Republic of Vietnam. [View this document.](#)

74 Fed. Reg. 5638 (January 30, 2009) (notice). This notice announces the Implementation of the findings of the WTO Panel in United States-Antidumping Measure on Shrimp from Thailand: Notice of Determination under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand. [View this document.](#)

74 Fed. Reg. 4920 (January 28, 2009) (notice). This notice announces the preliminary results of the third new shipper reviews covering certain frozen fish fillets from the Socialist Republic of Vietnam. [View this document.](#)

74 Fed. Reg. 4924 (January 28, 2009) (notice). This notice announces the preliminary results of the second new shipper review covering certain frozen warmwater shrimp from the Socialist Republic of Vietnam. [View this document.](#)

74 Fed. Reg. 4938 (January 28, 2009) (notice). This notice announces the initiation of the countervailing duty changed circumstances review covering certain pasta from Turkey. [View this document.](#)

74 Fed. Reg. 4733 (January 27, 2009) (notice). This notice announces the final results of the antidumping duty changed circumstances review covering certain orange juice from Brazil. [View this document.](#)

74 Fed. Reg. 4734 (January 27, 2009) (notice). This notice announces the partial rescission of the twelfth countervailing duty administrative review covering certain pasta from Italy. [View this document.](#)

### **Land Management Bureau**

74 Fed. Reg. 5941 (February 3, 2009) (notice). The Bureau of Land Management announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. [View this document.](#)

### **National Agricultural Statistics Service**

74 Fed. Reg. 4369 (January 26, 2009) (notice). The National Agricultural Statistics Service announces a meeting of the Advisory Committee on Agriculture Statistics. [View this document.](#)

### **Occupational Safety and Health Administration**

74 Fed. Reg. 3938 (January 21, 2009) (advanced notice of proposed rulemaking). OSHA is requesting data, information, and comment on issues related to occupational exposure to diacetyl and food flavorings containing diacetyl. [View this document.](#)

### **Rural Business-Cooperative Service**

74 Fed. Reg. 5634 (January 30, 2009) (proposed collection; comments requested). This notice announces the Rural Business-Cooperative Service's intention to request an extension for a currently approved information collection in support of the program for 7 C.F.R. 4287, subpart B, Servicing Business and Industry Guaranteed Loans. [View this document.](#)

74 Fed. Reg. 5634 (January 30, 2009) (proposed collection; comments requested). This notice announces the Rural Business-Cooperative Service's intention to request an extension for a currently approved information collection in support of the program for 7 C.F.R. part 4279, subpart A, Business and Industry Loans. [View this document.](#)

74 Fed. Reg. 3550 (January 21, 2009) (notice). This notice announces a public meeting January 26, 2009, entitled "Rural Microentrepreneur Assistance Opportunities--Inviting comments with the Public on new authorities of the Consolidated Farm and Rural Development Act (Pub. L. 110-246)." [View this document.](#)

### **Rural Housing Service**

74 Fed. Reg. 3551 (January 21, 2009) (notice). This is a request for proposals for loan guarantees under the section 538 Guaranteed Rural Rental Housing Program pursuant to 7 C.F.R. 3565.4 for Fiscal Year 2009 subject to the availability of funding. [View this document.](#)

## **Rural Utilities Service**

74 Fed. Reg. 5635 (January 30, 2009) (notice; request for comments). The USDA Rural Development invites comments on the following information collections for which the Agency intends to request approval from the Office of Management and Budget: Telecommunications Standards and Specifications, 7 C.F.R. Part 1755. [View this document.](#)

74 Fed. Reg. 5142 (January 29, 2009) (notice; request for comments). The USDA Rural Development invites comments on the following information collections for which the Agency intends to request approval from the Office of Management and Budget: Borrower Investments-Telecommunications Loan Program, 7 C.F.R. Part 1744, Subpart E. [View this document.](#)

74 Fed. Reg. 5142 (January 29, 2009) (notice; request for comments). USDA Rural Development invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget: 7 C.F.R. Part 1773, Policy on Audits of RUS Borrowers. [View this document.](#)

## **U.S. Trade Representative, Office of the**

74 Fed. Reg. 5192 (January 29, 2009) (notice). The Office of the United States Trade Representative is providing notice of its determination of the trade surplus in certain sugar goods of Peru. [View this document.](#)

74 Fed. Reg. 4265 (January 23, 2009) (notice and modification of action). The United States Trade Representative has decided to modify the action taken in July 1999 in connection with the World Trade Organization authorization to the United States in the EC-Beef Hormones dispute to suspend concessions and related obligations with respect to the European Communities. [View this document.](#)