

National Agricultural Law Center

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Digest Updates

May 5 through May 15, 2009

Agriculture Department

74 Fed. Reg. 22881 (May 15, 2009) (notice; comment request). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: Grazing Permit Administration Forms. <http://edocket.access.gpo.gov/2009/E9-11171.htm>

74 Fed. Reg. 22509 (May 13, 2009) (notice; request for comments). The Office of the Assistant Secretary for Civil Rights is seeking comments on a new information collection aimed at standardizing and consolidating the race, ethnicity, sex, national origin, disability and age data for agencies that serve agricultural producers and landowners. <http://edocket.access.gpo.gov/2009/E9-11109.htm>

74 Fed. Reg. 22152 (May 12, 2009) (notice). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: 7 CFR 1822-G, Rural Housing Loans, Policies, Procedures and Authorizations. <http://edocket.access.gpo.gov/2009/E9-11057.htm>

74 Fed. Reg. 22152 (May 12, 2009) (submission for OMB review; comment request; correction). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: Status of Claims Against Households. <http://edocket.access.gpo.gov/2009/E9-11058.htm>

74 Fed. Reg. 21866 (May 11, 2009) (semiannual regulatory agenda). This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12866 "Regulatory Planning and Review." <http://edocket.access.gpo.gov/ua090511/ua090503.txt>

74 Fed. Reg. 21619 (May 8, 2009) (notice). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: National Animal Health Laboratory Network. <http://edocket.access.gpo.gov/2009/E9-10771.htm>

Agricultural Marketing Service

74 Fed. Reg. 22112 (May 12, 2009) (proposed rule and opportunity to file exceptions) (to be codified at 7 C.F.R. Part 930). This recommended decision invites written exceptions to proposed amendments to Marketing Agreement and Order No. 930, which regulates the handling of tart cherries grown in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. <http://edocket.access.gpo.gov/2009/E9-11052.htm>

74 Fed. Reg. 20630 (May 5, 2009) (proposed rule and opportunity to file exceptions) (to be codified at 7 C.F.R. Part 983). This is a recommended decision regarding proposed amendments to Marketing Agreement and Order No. 983, which

regulates the handling of pistachios grown in California. This document invites written exceptions on the proposed amendments, and also announces AMS's intention to request approval of a new information collection.

<http://edocket.access.gpo.gov/2009/E9-10150.htm>

Animal and Plant Health Inspection Service

74 Fed. Reg. 22090 (May 12, 2009) (final rule; correction) (to be codified at 9 C.F.R. Part 93). This document corrects an error in the amendatory language in the final rule that added the port of San Luis, AZ, as a port through which cattle that have been infested with or exposed to fever ticks or tick-borne diseases may be imported.

<http://edocket.access.gpo.gov/2009/E9-11059.htm>

74 Fed. Reg. 22317 (May 12, 2009) (proposed rule) (to be codified at 7 C.F.R. Parts 301, 305, 318, 319, 330, and 352). This proposed rule would revise the phytosanitary treatment regulations related to approved treatments and treatment schedules. <http://edocket.access.gpo.gov/2009/E9-10188.htm>

74 Fed. Reg. 21313 (May 7, 2009) (notice of changes to quarantined area). This notice advises the public of changes to the area in Idaho that is quarantined to prevent the spread of pale cyst nematode.

<http://edocket.access.gpo.gov/2009/E9-10628.htm>

74 Fed. Reg. 21311 (May 7, 2009) (notice). This notice advises the public that an environmental assessment and finding of no significant impact have been prepared relative to the release of a wasp, *Tetramesa romana*, into the continental United States for use as a biological control agent to reduce the severity of *Arundo donax* infestations.

<http://edocket.access.gpo.gov/2009/E9-10632.htm>

74 Fed. Reg. 21312 (May 7, 2009) (notice of availability and request for comments). This notice advises the public of an evaluation of the animal health status of Suffolk and Norfolk Counties, England, relative to the H5N1 subtype of highly pathogenic avian influenza. <http://edocket.access.gpo.gov/2009/E9-10630.htm>

74 Fed. Reg. 21314 (May 7, 2009) (notice). This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the Use of Genetically Engineered Fruit Fly and Pink Bollworm in APHIS Plant Pest Control Programs Final Environmental Impact Statement. <http://edocket.access.gpo.gov/2009/E9-10633.htm>

Commodity Credit Corporation

74 Fed. Reg. 22510 (May 13, 2009) (notice and request for comments). The Commodity Credit Corporation intends to prepare an Environmental Impact Statement for the Biomass Crop Assistance Program and is requesting the public to provide comments and inputs on the preliminary proposed program alternatives and environmental concerns.

<http://edocket.access.gpo.gov/2009/E9-11094.htm>

74 Fed. Reg. 22089 (May 12, 2009) (final rule) (to be codified at 7 C.F.R. Part 1487). This final rule amends the regulations to incorporate changes into three existing Technical Assistance for Specialty Crops provisions.

<http://edocket.access.gpo.gov/2009/E9-11053.htm>

Commodity Futures Trading Commission

74 Fed. Reg. 21290 (May 7, 2009) (notice of proposed rulemaking; request for comments). The Commodity Futures Trading Commission proposes to amend its regulations that prescribe minimum adjusted net capital requirements; to require that FCM proprietary cleared OTC derivative positions be subject to capital deductions in a manner consistent with the capital deductions for FCM proprietary positions in exchange-traded futures contracts and options contracts; and to increase the applicable percentage of the total margin-based requirement for futures, options and cleared OTC derivative positions. The Commission solicits public comments on the advisability of increasing the ANC requirement for FCMs that are also securities brokers and dealers. <http://edocket.access.gpo.gov/2009/E9-10459.htm>

Energy Efficiency and Renewable Energy Office

74 Fed. Reg. 20942 (May 6, 2009) (notice). This notice announces an open meeting of the Biomass Research and

Development Technical Advisory Committee. <http://edocket.access.gpo.gov/2009/E9-10470.htm>

Environmental Protection Agency

74 Fed. Reg. 23045 (May 15, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). EPA is revoking all tolerances for carbofuran. The Agency has determined that the risk from aggregate exposure from the use of carbofuran does not meet the safety standard of section 408(b)(2) of the Federal Food, Drug, and Cosmetic Act.

<http://edocket.access.gpo.gov/2009/E9-11396.htm>

74 Fed. Reg. 22456 (May 13, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes an exemption from the requirement of a tolerance for residues of calcium lactate pentahydrate when used as an inert ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

<http://edocket.access.gpo.gov/2009/E9-10769.htm>

74 Fed. Reg. 22460 (May 13, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes an exemption from the requirement of a tolerance for residues of the microbial pesticide, *Candida oleophila* Strain O, on apples and pears when applied/used as a post-harvest biofungicide. <http://edocket.access.gpo.gov/2009/E9-10962.htm>

74 Fed. Reg. 22464 (May 13, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes time-limited tolerances for residues of the insecticide methoxyfenozide per se, in or on sorghum, forage; sorghum, grain; and sorghum, stover. <http://edocket.access.gpo.gov/2009/E9-10757.htm>

74 Fed. Reg. 22478 (May 13, 2009) (proposed rule) (to be codified at 40 C.F.R. Part 180). EPA is proposing to revoke, modify, and establish new tolerances/tolerance exemptions for certain pesticides.

<http://edocket.access.gpo.gov/2009/E9-11172.htm>

74 Fed. Reg. 22539 (May 13, 2009) (notice). The Environmental Protection Agency, Office of Research and Development, gives notice of a meeting of the Board of Scientific Counselors Clean Air Subcommittee.

<http://edocket.access.gpo.gov/2009/E9-11221.htm>

74 Fed. Reg. 22540 (May 13, 2009) (notice). Notice is hereby given of a meeting of the National Drinking Water Advisory Council. <http://edocket.access.gpo.gov/2009/E9-11210.htm>

74 Fed. Reg. 22541 (May 13, 2009) (notice). This notice announces EPA's progress in meeting its performance measures and goals for pesticide reregistration during fiscal year 2008. <http://edocket.access.gpo.gov/2009/E9-10758.htm>

74 Fed. Reg. 21992 (May 11, 2009) (semiannual regulatory flexibility agenda and semiannual regulatory agenda). The Environmental Protection Agency publishes the semiannual regulatory agenda to update the public about regulations and major policies currently under development, reviews of existing regulations and major policies, and rules and major policymakings completed or canceled since the last agenda. <http://edocket.access.gpo.gov/ua090511/ua090512.txt>

74 Fed. Reg. 21260 (May 7, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes tolerances and time-limited tolerances for the residues of metconazole, including its metabolites and degradates, in or on various commodities. <http://edocket.access.gpo.gov/2009/E9-10500.htm>

74 Fed. Reg. 21361 (May 7, 2009) (notice). EPA is announcing a public comment period for the external review draft document titled, "Toxicological Review of 1,4-Dioxane: In Support of Summary Information on the Integrated Risk Information System (IRIS)." <http://edocket.access.gpo.gov/2009/E9-10656.htm>

74 Fed. Reg. 21362 (May 7, 2009) (notice). EPA is announcing a public comment period for the external review draft document titled "Toxicological Review of Pentachlorophenol: In Support of Summary Information on the Integrated Risk Information System (IRIS)." <http://edocket.access.gpo.gov/2009/E9-10657.htm>

74 Fed. Reg. 20883 (May 6, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes an exemption from the requirement of a tolerance for residues of Morpholine 4-C6-12 Acyl derivatives when used as the inert ingredient in pesticide formulations applied in or on growing crops. <http://edocket.access.gpo.gov/2009/E9-10071.htm>

74 Fed. Reg. 20887 (May 6, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes a time-limited tolerance for residues of novaluron in or on strawberry. <http://edocket.access.gpo.gov/2009/E9-10499.htm>

74 Fed. Reg. 20942 (May 6, 2009) (notice). This notice requests public comment on the Agency's endosulfan impact assessments for eight crops and additional information on the importance of endosulfan use in agriculture. <http://edocket.access.gpo.gov/2009/E9-10149.htm>

74 Fed. Reg. 20944 (May 6, 2009) (notice). This notice announces EPA's decision to modify certain provisions of the 2006 Reregistration Eligibility Decision for the organic arsenical pesticides monosodium methanearsonate, disodium methanearsonate, calcium acid methanearsonate, and cacodylic acid and its sodium salt. <http://edocket.access.gpo.gov/2009/E9-10330.htm>

74 Fed. Reg. 20945 (May 6, 2009) (notice). This notice announces Agency approval of an application to register the pesticide product Bull Run Japanese and Oriental Beetle Trap containing an active ingredient not included in any previously registered. <http://edocket.access.gpo.gov/2009/E9-10075.htm>

74 Fed. Reg. 20947 (May 6, 2009) (notice). This notice announces the Agency's receipt of several initial filings of pesticide petitions proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities. <http://edocket.access.gpo.gov/2009/E9-10503.htm>

74 Fed. Reg. 20946 (May 6, 2009) (notice). This notice announces the Agency's receipt of several initial filings of pesticide petitions proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities. <http://edocket.access.gpo.gov/2009/E9-10505.htm>

Fish and Wildlife Service

74 Fed. Reg. 20421 (May 4, 2009) (final rule) (to be codified at 50 C.F.R. Part 402). This final rule amends regulations governing interagency cooperation under the Endangered Species Act of 1973. <http://edocket.access.gpo.gov/2009/E9-10203.htm>

Food and Drug Administration

74 Fed. Reg. 22942 (May 15, 2009) (notice). The Food and Drug Administration is requesting nominations for voting consumer representatives to serve on the Food Advisory Committee. <http://edocket.access.gpo.gov/2009/E9-11319.htm>

74 Fed. Reg. 22942 (May 15, 2009) (notice). The Food and Drug Administration is announcing the availability of a guidance for industry entitled "Food Labeling: Health Claims; Calcium and Osteoporosis, and Calcium, Vitamin D, and Osteoporosis--Small Entity Compliance Guide." <http://edocket.access.gpo.gov/2009/E9-11320.htm>

74 Fed. Reg. 22752 (May 14, 2009) (notice). The Food and Drug Administration is announcing the availability of a guidance document for industry entitled "Animal Generic Drug User Fees and Fee Waivers and Reductions." <http://edocket.access.gpo.gov/2009/E9-11218.htm>

74 Fed. Reg. 21808 (May 11, 2009) (notice). The Food and Drug Administration is announcing that the following proposed collection of information has been submitted to the Office of Management and Budget for review and clearance: Substances Generally Recognized as Safe: Notification Procedure—Extension. <http://edocket.access.gpo.gov/2009/E9-10964.htm>

74 Fed. Reg. 20955 (May 6, 2009) (notice). The Food and Drug Administration is announcing the availability of a

Compliance Policy Guide entitled "Sec. 110.310 Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002." <http://edocket.access.gpo.gov/2009/E9-10556.htm>

74 Fed. Reg. 20963 (May 6, 2009) (notice). This notice announces a forthcoming meeting of the Transmissible Spongiform Encephalopathies Advisory Committee, which will be open to the public. <http://edocket.access.gpo.gov/2009/E9-10454.htm>

74 Fed. Reg. 20583 (May 5, 2009) (final rule; confirmation of effective date; correction) (to be codified at 21 C.F.R. Part 589). The Food and Drug Administration is correcting a final rule, confirmation of effective date, which had confirmed the effective date of April 27, 2009, for a final rule entitled "Substances Prohibited From Use in Animal Food or Feed." <http://edocket.access.gpo.gov/2009/E9-10138.htm>

Food and Nutrition Service

74 Fed. Reg. 21619 (May 8, 2009) (notice). This notice invites the general public and other public agencies to comment on the proposed collection of data for the Models of SNAP-Ed and Evaluation Study. <http://edocket.access.gpo.gov/2009/E9-10745.htm>

Foreign Agricultural Service

74 Fed. Reg. 22512 (May 13, 2009) (notice). This notice lists the updated quantity trigger levels for products which may be subject to additional import duties under the safeguard provisions of the WTO Agreement on Agriculture, and the relevant period applicable for the trigger levels. <http://edocket.access.gpo.gov/2009/E9-11108.htm>

Forest Service

74 Fed. Reg. 20899 (May 6, 2009) (notice). The Forest Service is seeking comments from all interested people and organizations on the extension of a currently approved information collection, objections to new land management plans, plan amendments, and plan revisions. <http://edocket.access.gpo.gov/2009/E9-10299.htm>

Grain Inspection, Packers and Stockyards Administration

74 Fed. Reg. 22841 (May 15, 2009) (proposed rule) (to be codified at 9 C.F.R. Part 201). This proposed rule would amend one section of the regulations under the Packers and Stockyards Act to incorporate by reference the 2009 edition of the National Institute of Standards and Technology Handbook 44, to require that scales meet applicable requirements of the 2009 NIST Handbook 44, and to add "swine contractors" to the list of regulated entities. <http://edocket.access.gpo.gov/2009/E9-11159.htm>

International Trade Administration

74 Fed. Reg. 20452 (May 4, 2009) (notice). This notice announces the preliminary results of new shipper reviews covering fresh garlic from the People's Republic of China. <http://edocket.access.gpo.gov/2009/E9-10184.htm>

National Agricultural Statistics Service

74 Fed. Reg. 21780 (May 11, 2009) (notice). This notice announces the intention of the National Agricultural Statistics Service to suspend a currently approved information collection, the 2007 Census of Agriculture. <http://edocket.access.gpo.gov/2009/E9-10832.htm>

74 Fed. Reg. 20450 (May 4, 2009) (notice). This notice announces the intention of the National Agricultural Statistics Service to seek reinstatement of an information collection, the Census of Agriculture Content Test. <http://edocket.access.gpo.gov/2009/E9-10125.htm>

Natural Resources Conservation Service

74 Fed. Reg. 21316 (May 7, 2009) (notice). It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide, specifically in practice standards: 338, Prescribed Burning; 391, Riparian Forest Buffer; 490, Tree/Shrub Site Preparation; and 666, Forest Stand Improvement. <http://edocket.access.gpo.gov/2009/E9-10605.htm>

Presidential Documents

74 Fed. Reg. 21531 (May 7, 2009) (memorandum). This memorandum establishes a Biofuels Interagency Working Group and requests that the Secretary of Agriculture certain actions related to investment in and production of biofuels. <http://edocket.access.gpo.gov/2009/E9-10861.htm>

74 Fed. Reg. 20865 (May 6, 2009) (memorandum). The Interagency Committee on Trade in Timber Products from Peru is hereby established to oversee the implementation of Annex 18.3.4 of the United States-Peru Trade Promotion Agreement. <http://edocket.access.gpo.gov/2009/E9-10648.htm>

Reclamation Bureau

74 Fed. Reg. 22175 (May 12, 2009) (notice of availability; notice of public hearings). The Bureau of Reclamation and the Sonoma County Water Agency have made available for public review and comment the North Bay Water Recycling Program Draft EIS/EIR. Three public hearings will be held to receive comments from individuals and organizations. <http://edocket.access.gpo.gov/2009/E9-11040.htm>

Risk Management Agency

74 Fed. Reg. 20450 (May 4, 2009) (notice). This notice announces the intention of the Risk Management Agency to request approval for the collection of information in support of the agency's mission to develop and implement risk management tools for producers of agricultural commodities through partnership agreements. <http://edocket.access.gpo.gov/2009/E9-10124.htm>

Rural Business-Cooperative Service

74 Fed. Reg. 20900 (May 6, 2009) (notice of solicitation of applications). The Rural Business-Cooperative Service announces the availability of approximately \$18 million in competitive grant funds for fiscal year 2009 to help independent agricultural producers enter into value-added activities. <http://edocket.access.gpo.gov/2009/E9-10424.htm>

Rural Housing Service

74 Fed. Reg. 21775 (May 11, 2009) (notice). The Rural Housing Service announces that it is soliciting competitive applications under its Housing Preservation Grant program. <http://edocket.access.gpo.gov/2009/E9-10645.htm>

Rural Utilities Service

74 Fed. Reg. 22881 (May 15, 2009) (notice). The Rural Utilities Service has prepared an Environmental Assessment related to possible financial assistance for a project consisting of the construction of a 55 megawatt biomass fueled power plant in Georgia. <http://edocket.access.gpo.gov/2009/E9-11328.htm>

74 Fed. Reg. 20559 (May 5, 2009) (final rule) (to be codified at 7 C.F.R. Part 1755). The Rural Utilities Service is revising its regulation on fiber optic cable specifications, updating the specifications to meet current industry standards, including additional requirements in the specifications to meet the construction requirements of fiber-to-the-home construction, clarifying and adding definitions, separating the regulation into two distinct specifications, and including new definitions. <http://edocket.access.gpo.gov/2009/E9-9763.htm>

U.S. Trade Representative, Office of the

74 Fed. Reg. 22626 (May 13, 2009) (notice and modification of action). On January 15, 2009, the United States Trade Representative announced modifications to the action taken in July 1999 in connection with the World Trade Organization authorization of the United States in the EC-Beef Hormones dispute to suspend concessions and related obligations with respect to the European Communities. The Trade Representative has decided to delay the effective date of the additional duties from May 9, 2009 to August 15, 2009. <http://edocket.access.gpo.gov/2009/E9-11173.htm>

74 Fed. Reg. 21421 (May 7, 2009) (notice; request for comments). The Office of the United States Trade Representative is providing notice that on April 17, 2009, the People's Republic of China requested consultations with the United States with respect to certain measures affecting the import of poultry products from China into the United States. This notice

invites written comments from the public concerning the issues raised in this dispute.
<http://edocket.access.gpo.gov/2009/E9-10623.htm>