# National Agricultural Law Center

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# Digest Updates August 31 through September 11, 2009

#### **Agriculture Department**

74 Fed. Reg. 46558 (September 10, 2009) (notice; comment request). The Department of Agriculture has requested approval for the following continuation of information collection: Office of the Chief Information Officer eAuthentication Service. http://edocket.access.gpo.gov/2009/E9-21799.htm

74 Fed. Reg. 46407 (September 9, 2009) (notice; comment request). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: Specialty Crop Block Grant Program. http://edocket.access.gpo.gov/2009/E9-21758.htm

74 Fed. Reg. 46407 (September 9, 2009) (notice; comment request). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: Electronic Mailing List Subscription Form-Nutrition and Food Safety. http://edocket.access.gpo.gov/2009/E9-21760.htm

74 Fed. Reg. 45159 (September 1, 2009) (notice; comment request). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: 7 C.F.R. 1744-C, Advance and Disbursement of Funds--Telecommunications; 7 C.F.R. 1717 subpart Y, Settlement of Debt Owed by Electric Borrowers. http://edocket.access.gpo.gov/2009/E9-21115.htm

74 Fed. Reg. 44814 (August 31, 2009) (notice; comment request). The Department of Agriculture has submitted the following information collection requirement to OMB for review and clearance: Supplemental Nutrition Assistance Program Application for Stores—Reauthorization. http://edocket.access.gpo.gov/2009/E9-20858.htm

#### **Agricultural Marketing Service**

74 Fed. Reg. 46310 (September 9, 2009) (interim final rule with request for comments) (to be codified at 7 C.F.R. Part 993). This rule decreases the assessment rate established for the Prune Marketing Committee for the 2009-10 and subsequent crop years from \$0.30 to \$0.16 per ton of salable dried prunes. http://edocket.access.gpo.gov/2009/E9-21658.htm

74 Fed. Reg. 46306 (September 9, 2009) (final rule) (to be codified at 7 C.F.R. Part 920). This rule changes the reporting requirements currently prescribed under the marketing order that regulates the handling of kiwifruit grown in California. http://edocket.access.gpo.gov/2009/E9-21657.htm

74 Fed. Reg. 46303 (September 9, 2009) (final rule) (to be codified at 7 C.F.R. Part 905). This final rule amends the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida. http://edocket.access.gpo.gov/2009/E9-21656.htm 74 Fed. Reg. 46408 (September 9, 2009) (notice and request for comments). This notice announces the intention to request approval for an information collection for the AMS Survey of Marketing Order Online System Users, the automated FV-6 form used by importers and receivers for exempt imported fruits, vegetables and specialty crops. http://edocket.access.gpo.gov/2009/E9-21655.htm

74 Fed. Reg. 46411 (September 9, 2009) (notice). The Agricultural Marketing Service is announcing a forthcoming meeting of the National Organic Standards Board. http://edocket.access.gpo.gov/2009/E9-21610.htm

74 Fed. Reg. 45734 (September 4, 2009) (final rule) (to be codified at 7 C.F.R. Part 980). This rule provides a partial exemption to the minimum grade requirements under the tomato import regulation. http://edocket.access.gpo.gov/2009/E9-21353.htm

74 Fed. Reg. 45731 (September 4, 2009) (final rule) (to be codified at 7 C.F.R. Part 945). This rule relaxes the size requirements for potatoes handled under the marketing order for Idaho-Eastern Oregon potatoes and for long type potatoes imported into the United States. http://edocket.access.gpo.gov/2009/E9-21354.htm

74 Fed. Reg. 45772 (September 4, 2009) (proposed rule) (to be codified at 7 C.F.R. Part 983). This rule invites comments on changes to the handling regulations prescribed under Marketing Agreement and Order No. 983, which regulates the handling of pistachios. http://edocket.access.gpo.gov/2009/E9-21352.htm

74 Fed. Reg. 45565 (September 3, 2009) (proposed rule; notice of public meeting) (to be codified at 7 C.F.R. Part 970). Notice is hereby given of a public hearing to consider a proposed marketing agreement to cover the handling of leafy green vegetables and products in the United States. http://edocket.access.gpo.gov/2009/E9-21295.htm

#### Agricultural Research Service

74 Fed. Reg. 45164 (September 1, 2009) (notice). Notice is hereby given that the Agricultural Research Service intends to grant an exclusive license to the soybean variety described in Plant Variety Protection Certificate Number 200300169. http://edocket.access.gpo.gov/2009/E9-20928.htm

74 Fed. Reg. 44817 (August 31, 2009) (notice). Notice is hereby given that the Agricultural Research Service intends to grant an exclusive license to the soybean varieties described in Plant Variety Protection Certificate Number 9800027 and Number 9800028. http://edocket.access.gpo.gov/2009/E9-20929.htm

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

74 Fed. Reg. 46489 (September 10, 2009) (final rule; technical amendment) (to be codified at 7 C.F.R. Part 319). In making a change in the regulations to allow the importation of sweet oranges and grapefruit from Chile into the continental United States, APHIS inadvertently amended the regulations to restrict the importation of clementines, mandarins, and tangerines from Chile to the continental United States and Hawaii. This technical amendment corrects that error. http://edocket.access.gpo.gov/2009/E9-21801.htm

74 Fed. Reg. 46409 (September 9, 2009) (notice of availability and request for comments). This notice advises the public that an environmental assessment has been prepared relative to a proposed control program for citrus greening disease and the Asian citrus psyllid. It is available to the public for review and comment. http://edocket.access.gpo.gov/2009/E9-21669.htm

74 Fed. Reg. 46080 (September 8, 2009) (notice; comment request). This notice announces the intention to request an extension of approval of an information collection associated with regulations for the introduction of organisms and products altered or produced through genetic engineering. http://edocket.access.gpo.gov/2009/E9-21600.htm

74 Fed. Reg. 46081 (September 8, 2009) (notice; comment request). This notice announces the intention to request an extension of approval of an information collection associated with regulations for the importation of mangoes from India.

74 Fed. Reg. 45412 (September 2, 2009) (extension of approval of an information collection; comment request). This notice announces the intention to request an extension of approval of an information collection associated with regulations for the importation of unshu oranges from the Republic of Korea into Alaska. http://edocket.access.gpo.gov/2009/E9-21276.htm

74 Fed. Reg. 45413 (September 2, 2009) (notice). This notice advises the public of a petition seeking a determination of nonregulated status for soybean that has been genetically engineered to have higher levels of oleic acid, and lower levels of linoleic and linolenic acids in the soybean oil. It also solicits comments on whether it is or could be a plant pest, and on an environmental assessment for the proposed determination of nonregulated status. http://edocket.access.gpo.gov/2009/E9-21277.htm

74 Fed. Reg. 45415 (September 2, 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. http://edocket.access.gpo.gov/2009/E9-21216.htm

74 Fed. Reg. 45162 (September 1, 2009) (notice). This notice announces the intention to request an extension of approval of an information collection associated with regulations for the importation of fruit From Thailand. http://edocket.access.gpo.gov/2009/E9-21098.htm

74 Fed. Reg. 45163 (September 1, 2009) (notice). This notice advises the public of the determination that a papaya line designated as transformation event X17-2, genetically engineered for resistance to the papaya ringspot virus, is no longer considered a regulated article under the regulations governing the introduction of certain genetically engineered organisms. http://edocket.access.gpo.gov/2009/E9-21092.htm

# **Commodity Credit Corporation**

74 Fed. Reg. 46559 (September 10, 2009) (notice). The Commodity Credit Corporation is issuing this notice to publish the 2008-crop state sugar marketing allotments and company allocations to sugarcane and sugar beet processors, and changes to allotments that have occurred since the establishment of the fiscal year 2009 overall allotment quantity. http://edocket.access.gpo.gov/2009/E9-21761.htm

74 Fed. Reg. 46027 (September 8, 2009) (proposed rule) (to be codified at 7 C.F.R. Part 1485). This proposed rule would revise and amend the regulations used to administer the Market Access Program. http://edocket.access.gpo.gov/2009/E9-21552.htm

74 Fed. Reg. 45606 (September 3, 2009) (Notice of Intent and request for comments). This notice announces the intent to complete a Supplemental Environmental Impact Statement assessing the environmental impacts of changes to the Conservation Reserve Program required by the Food, Conservation, and Energy Act of 2008. http://edocket.access.gpo.gov/2009/E9-21236.htm

#### **Commodity Futures Trading Commission**

74 Fed. Reg. 46115 (September 8, 2009) (notice). The Commission charges fees to designated contract markets and registered futures associations to recover the costs incurred by the Commission in the operation of its program of oversight of self-regulatory organization rule enforcement programs. The FY 2009 fee schedule is set forth in this document. http://edocket.access.gpo.gov/2009/E9-21545.htm

74 Fed. Reg. 45186 (September 1, 2009) (notice). The Commodity Futures Trading Commission's Energy and Environmental Markets Advisory Committee will conduct a meeting on September 16, 2009. http://edocket.access.gpo.gov/2009/E9-21028.htm

# Cooperative State Research, Education, and Extension Service

74 Fed. Reg. 45736 (September 4, 2009) (final rule) (to be codified at 7 C.F.R. Part 3430). The Cooperative State Research, Education, and Extension Service is publishing as a final rule one set of administrative requirements that contain elements common to all of the competitive and noncompetitive non-formula Federal assistance programs the Agency administers. http://edocket.access.gpo.gov/2009/E9-21264.htm

74 Fed. Reg. 45967 (September 4, 2009) (interim rule and request for comments). The Cooperative State Research, Education, and Extension Service is publishing a set of specific administrative requirements for the Beginning Farmer and Rancher Development Program to supplement the Competitive and Noncompetitive Non-Formula Federal Assistance Programs--General Award Administrative Provisions for this program. http://edocket.access.gpo.gov/2009/E9-21256.htm

74 Fed. Reg. 45972 (September 4, 2009) (interim rule and request for comments). The Cooperative State Research, Education, and Extension Service is publishing a set of specific administrative requirements for the New Era Rural Technology Competitive Grants Program to supplement the Competitive and Noncompetitive Non-formula Federal Assistance Programs--General Award Administrative Provisions for this program. http://edocket.access.gpo.gov/2009/E9-21258.htm

# **Employment and Training Administration**

74 Fed. Reg. 45905 (September 4, 2009) (proposed rule; request for comments) (to be codified at 20 C.F.R. Part 655, 29 C.F.R. Part 501). The Department of Labor is proposing to amend its regulations governing the certification of temporary employment of nonimmigrant workers in temporary or seasonal agricultural employment and the enforcement of the contractual obligations applicable to employers of such nonimmigrant workers. http://edocket.access.gpo.gov/2009/E9-21017.htm

# **Environmental Protection Agency**

74 Fed. Reg. 46683 (September 11, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes tolerances for combined residues of saflufenacil and its metabolites and degradates in or on various plant and livestock commodities. http://edocket.access.gpo.gov/2009/E9-21826.htm

74 Fed. Reg. 46689 (September 11, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). EPA is revoking or modifying certain tolerances for the certain pesticides and plant growth regulators. In addition, EPA is establishing new tolerances for three insecticides and an antimicrobial/insecticidal agent. http://edocket.access.gpo.gov/2009/E9-21895.htm

74 Fed. Reg. 46587 (September 10, 2009) (notice). The Environmental Protection Agency is announcing the availability of final national recommended water quality criteria for the protection of aquatic life for acrolein. http://edocket.access.gpo.gov/2009/E9-21820.htm

74 Fed. Reg. 46369 (September 9, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This final rule makes minor revisions to the terminology of certain commodity terms listed under 40 CFR part 180, subpart C. http://edocket.access.gpo.gov/2009/E9-21416.htm

74 Fed. Reg. 46377 (September 9, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes a tolerance for combined residues of the herbicide pendimethalin including its metabolites and degradates in or on olive at 0.1 parts per million. http://edocket.access.gpo.gov/2009/E9-21719.htm

74 Fed. Reg. 45847 (September 4, 2009) (notice; reopening of comment period). This document reopens the comment period for the malathion registration review docket, which closed on August 24, 2009, until October 5, 2009. http://edocket.access.gpo.gov/2009/E9-21394.htm

74 Fed. Reg. 45848 (September 4, 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/E9-21395.htm

74 Fed. Reg. 45330 (September 2, 2009) (final rule) (to be codified at 40 C.F.R. Part 180). This regulation establishes tolerances for residues of methoxyfenozide in or on citrus oil and fruit, citrus, group 10 with regional registrations; and corn, pop, grain; corn, pop, stover; pea, dry seed; and pomegranate. http://edocket.access.gpo.gov/2009/E9-21190.htm

74 Fed. Reg. 45437 (September 2, 2009) (notice). The Environmental Protection Agency is announcing a 30-day public comment period for the external peer review draft of "Recommended Toxicity Equivalency Factors for Human Health Risk Assessments of Dioxin and Dioxin-Like Compounds." http://edocket.access.gpo.gov/2009/E9-21194.htm

74 Fed. Reg. 45200 (September 1, 2009) (notice). EPA is announcing the availability and seeking comment on a July 23, 2009 petition from the American Bird Conservancy, requesting that EPA revoke tolerances for uses of 13 pesticides with no associated U.S. registrations. http://edocket.access.gpo.gov/2009/E9-21124.htm

#### Farm Credit Administration

74 Fed. Reg. 44727 (August 31, 2009) (direct final rule) (to be codified at 12 C.F.R. Part 604). The Farm Credit Administration issues this direct final rule amending its regulation on meeting announcements to provide greater flexibility to the FCA Board in scheduling meetings. http://edocket.access.gpo.gov/2009/E9-20939.htm

#### Farm Credit System Insurance Corporation

74 Fed. Reg. 45640 (September 3, 2009) (notice). Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board on September 10, 2009. http://edocket.access.gpo.gov/2009/E9-21298.htm

#### **Farm Service Agency**

74 Fed. Reg. 46665 (September 11, 2009) (final rule) (to be codified at 7 C.F.R. Part 760). This rule implements specific requirements for the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program and the Livestock Forage Disaster Program authorized by the Food, Conservation, and Energy Act of 2008. http://edocket.access.gpo.gov/2009/E9-21906.htm

74 Fed. Reg. 45606 (September 3, 2009) (notice and request for comments; correction). This document corrects the notice that requested a revision of a currently approved information collection associated with Request for Aerial Photography. http://edocket.access.gpo.gov/2009/E9-21294.htm

74 Fed. Reg. 45606 (September 3, 2009) (Notice of Intent and request for comments). This notice announces the intent to complete a Supplemental Environmental Impact Statement assessing the environmental impacts of changes to the Conservation Reserve Program. http://edocket.access.gpo.gov/2009/E9-21236.htm

74 Fed. Reg. 45607 (September 3, 2009) (notice). The Secretary of Agriculture is renewing the charter of the Advisory Committee on Beginning Farmers and Ranchers and invites nominations for persons to serve on the Committee. http://edocket.access.gpo.gov/2009/E9-21293.htm

#### Federal Crop Insurance Corporation

74 Fed. Reg. 46023 (September 8, 2009) (proposed rule with request for comments) (to be codified at 7 C.F.R. Part 457). The Federal Crop Insurance Corporation proposes to amend the Common Crop Insurance Regulations, Apple Crop Insurance Provisions. http://edocket.access.gpo.gov/2009/E9-21598.htm

74 Fed. Reg. 45537 (September 3, 2009) (final rule) (to be codified at 7 C.F.R. Parts 402, 407 and 457). The Federal Crop Insurance Corporation finalizes the Catastrophic Risk Protection Endorsement, the Group Risk Plan of Insurance Regulations, and the Common Crop Insurance Regulations, Basic Provisions to revise those provisions as mandated by the Food, Conservation, and Energy Act of 2008. http://edocket.access.gpo.gov/2009/E9-21233.htm

### Food and Drug Administration

74 Fed. Reg. 46434 (September 9, 2009) (notice). The Food and Drug Administration is announcing the availability of a guidance document entitled "Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007." http://edocket.access.gpo.gov/2009/E9-21713.htm

74 Fed. Reg. 46440 (September 9, 2009) (notice). This notice requests that any industry organizations interested in participating in the selection of a pool of nonvoting industry representative candidates available to serve as temporary nonvoting members on its Risk Communication Advisory Committee for the Office of the Commissioner notify FDA in writing. http://edocket.access.gpo.gov/2009/E9-21554.htm

74 Fed. Reg. 45221 (September 1, 2009) (notice). The Food and Drug Administration is announcing the availability of a guidance document entitled "Questions and Answers Regarding the Labeling of Dietary Supplements as Required by the Dietary Supplement and Nonprescription Drug Consumer Protection Act." http://edocket.access.gpo.gov/2009/E9-21094.htm

74 Fed. Reg. 44750 (August 31, 2009) (notice of public meetings). The Food and Drug Administration is announcing two public meetings to discuss the final rule concerning the prevention of Salmonella Entertidis in shell eggs during production, storage, and transportation. http://edocket.access.gpo.gov/2009/E9-20856.htm

# Food and Nutrition Service

74 Fed. Reg. 46665 (September 11, 2009) (final rule) (to be codified at 7 C.F.R. Part 248). This is an affirmation of an interim rule as a final rule, without change amending the WIC Farmers' Market Nutrition Program regulations to codify three nondiscretionary provisions mandated in the Child Nutrition and WIC Reauthorization Act of 2004. http://edocket.access.gpo.gov/2009/E9-21468.htm

74 Fed. Reg. 45802 (September 4, 2009) (notice). This notice invites the general public and other public agencies to comment on a revision of a currently approved collection of FNS-380, Worksheet for the Supplemental Nutrition Assistance Program's Quality Control Reviews. http://edocket.access.gpo.gov/2009/E9-21373.htm

74 Fed. Reg. 45305 (September 2, 2009) (final rule) (to be codified at 7 C.F.R. Parts 210 and 220). This final rule adopts without change the food safety inspections requirements for the National School Lunch Program and the School Breakfast Program set forth in a previous interim rule. http://edocket.access.gpo.gov/2009/E9-21133.htm

74 Fed. Reg. 45159 (September 1, 2009) (notice). This notice invites the general public and other public agencies to comment on a new information collection for the Food and Nutrition Service Evaluation of the Fresh Fruit and Vegetable Program. http://edocket.access.gpo.gov/2009/E9-21067.htm

# **Forest Service**

74 Fed. Reg. 46562 (September 10, 2009) (notice; correction). On December 15, 2000, the USDA Forest Service published a notice of intent to prepare an environmental impact statement for a proposed invasive plant control project on the Carson and Santa Fe national forests. Due to significant new information, the Carson and Santa Fe national forests are jointly preparing a supplemental environmental impact statement for the invasive plant control project. http://edocket.access.gpo.gov/2009/E9-21738.htm

#### **Grain Inspection and Packers & Stockyards Administration**

74 Fed. Reg. 45803 (September 4, 2009) (notice). The designations of the official agencies listed in this notice will end on March 31, 2010, and this notice asks persons or governmental agencies interested in providing official services in the areas served by these agencies to submit an application for designation. It also asks for comments on the quality of services provided by these currently designated agencies. http://edocket.access.gpo.gov/2009/E9-21336.htm

#### International Trade Administration

74 Fed. Reg. 46565 (September 10, 2009) (notice). This document provides the final results and partial rescission of the

antidumping duty third administrative review of frozen warmwater shrimp from the People's Republic of China. http://edocket.access.gpo.gov/2009/E9-21904.htm

74 Fed. Reg. 46418 (September 9, 2009) (notice). This document provides notice of the extension of the time limit for preliminary results of the antidumping duty administrative review covering honey from Argentina. http://edocket.access.gpo.gov/2009/E9-21579.htm

74 Fed. Reg. 45805 (September 4, 2009) (notice). This notice provides the preliminary results of the new shipper reviews and fifth antidumping duty administrative review covering certain frozen fish fillets from the Socialist Republic of Vietnam. http://edocket.access.gpo.gov/2009/E9-21429.htm

74 Fed. Reg. 44818 (August 31, 2009) (notice). This document provides notice of the extension of the time limit for the final results of the third administrative review covering certain frozen warmwater shrimp from the Socialist Republic of Vietnam. http://edocket.access.gpo.gov/2009/E9-20986.htm

#### **National Agricultural Statistics Service**

74 Fed. Reg. 45161 (September 1, 2009) (notice and request for comments). This notice announces the intention to request revision and extension of a currently approved information collection, the Nursery and Floriculture Chemical Use Survey, and to discontinue the Nursery and Christmas Tree Production Survey for this approval cycle. http://edocket.access.gpo.gov/2009/E9-20925.htm

74 Fed. Reg. 44817 (August 31, 2009) (notice). This notice announces the intention of the National Agricultural Statistics Service to request revision and extension of a currently approved information collection, the Fruits, Nuts, and Specialty Crops Surveys. http://edocket.access.gpo.gov/2009/E9-20924.htm

74 Fed. Reg. 44816 (August 31, 2009) (notice). This notice announces the intention of the National Agricultural Statistics Service to request revision and extension of a currently approved information collection, the Honey Survey. http://edocket.access.gpo.gov/2009/E9-20926.htm

#### **Natural Resources Conservation Service**

74 Fed. Reg. 44818 (August 31, 2009) (notice). This notice announces that the NRCS State Conservationist for Virginia has determined that changes must be made in the NRCS State Technical Guide. http://edocket.access.gpo.gov/2009/E9-20864.htm

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

74 Fed. Reg. 45165 (September 1, 2009) (notice of withdrawal of Solicitation of Applications and republication of Notice of Funds Available Announcement). Rural Development previously withdrew the notice announcing the availability of competitive grants to help producers enter into value-added activities. This notice announces the availability of approximately \$18 million in competitive grants for fiscal year 2009 to help independent agricultural producers enter into or expand value-added activities with certain clarifications and alterations. http://edocket.access.gpo.gov/2009/E9-21030.htm

#### **Rural Utilities Service**

74 Fed. Reg. 46409 (September 9, 2009) (notice). The Rural Utilities Service invites comments on the information collection, Emergency and Imminent Community Water Assistance Grants. http://edocket.access.gpo.gov/2009/E9-21722.htm

74 Fed. Reg. 45608 (September 3, 2009) (notice). The Rural Utilities Service announces the depreciation rates for telecommunications plant for the period ending December 31, 2008. http://edocket.access.gpo.gov/2009/E9-21235.htm

74 Fed. Reg. 45412 (September 2, 2009) (notice and request for comments). The Rural Utilities Service invites comments on the following information collection for which approval will be requested: Request for Release of Lien and/or Approval of Sale. http://edocket.access.gpo.gov/2009/E9-21212.htm

# U.S. Trade Representative, Office of the

74 Fed. Reg. 46830 (September 11, 2009) (notice; request for comments). This document provides notice that on August 20, 2009, Brazil requested the establishment of a panel under the Marrakesh Agreement Establishing the World Trade Organization concerning certain issues relating to the imposition by the United States of antidumping measures on certain orange juice from Brazil. Written comments are invited concerning the issues raised in this dispute. http://edocket.access.gpo.gov/2009/E9-21945.htm

74 Fed. Reg. 44895 (August 31, 2009) (request for comments and notice of public hearing). The interagency Trade Policy Staff Committee will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative in the preparation of its annual report to the Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization. http://edocket.access.gpo.gov/2009/E9-20891.htm