

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

September 17, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA\_Submission@OMB*, *EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

### Food and Nutrition Service

*Title:* WIC Federal and State Agreement.

*OMB Control Number:* 0584-0332.

*Summary of Collection:* The Women, Infants, and Children (WIC) and the Farmers' Market Nutrition Program (FMNP) are carried out by the U.S. Department of Agriculture under Section 17 of the Child Nutrition Act (CNA) of 1966, as amended. Form FNS-339, Federal-State Special Supplemental Nutrition Program Agreement, is the agreement between USDA and the State agency. The agreement empowers USDA to release funds to the State agency to operate the WIC, FMNP and the Senior Farmers' Market Nutrition (SFMNP) Programs.

*Need and Use of the Information:* The Food and Nutrition Service will collect information to authorize payment of cash grants to State agencies, which operate the programs locally through nonprofit organizations and must ensure coordination of the Programs among the appropriate agencies and organizations. Each FMNP, WIC or SFMNP State agency desiring to administer the programs shall annually enter into a written agreement with USDA for administration of the program in the jurisdiction of the State agency. If the information is not collected Federal funds cannot be provided to the State agency without a signed agreement.

*Description of Respondents:* State, Local, or Tribal Government.

*Number of Respondents:* 143.

*Frequency of Responses:*

Recordkeeping; Reporting: Annually.

*Total Burden Hours:* 36.

### Ruth Brown,

*Departmental Information Collection Clearance Officer.*

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**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

September 17, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,

Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA\_Submission@OMB*, *EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

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### Animal and Plant Health Inspection Service

*Title:* Tuberculosis.

*OMB Control Number:* 0579-0146.

*Summary of Collection:* The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The AHPA is contained in Title X, Subtitle E, Sections 10401-18 of Public Law 107-171, May 13 2002, the Farm Security and Rural Investment Act of 2002. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) participates in the Cooperative State-Federal Bovine

Tuberculosis Eradication Program, which is a national program to eliminate bovine tuberculosis from the United States. This program is conducted under the authorities of the various States supplemented by Federal authorities regulating interstate movement of affected animals.

*Need and Use of the Information:* APHIS will collect the following information for zoning, testing and animal movement: (1) Submission of a Tuberculosis Management Plan for eradicating the disease within a State or zone, thus avoiding a downgrade in the State or zone TB status; (2) submission of a formal request that a zone within a given State is given a different tuberculosis status than the rest of the State, (3) an epidemiological review of reports of all testing for all zones within the State within 30 days of testing, (4) the submission of an annual report to APHIS in order to qualify for renewal of State or zone status, (5) the completion of a certificate of tuberculin test that must accompany certain regulated animals that are moved interstate, (6) the retention, for 2 years of any certificates documenting the movement of regulated animals into and out of zones; and (7) a Memorandum of Understanding (MOU) with APHIS in which the States agrees to adhere to any conditions for zone recognition particular in that request. Without the information APHIS would not be able to operate an effective tuberculosis surveillance, containment, and eradication program.

*Description of Respondents:* Business or other for-profit; Farms; State, Local or Tribal Government.

*Number of Respondents:* 2,585.

*Frequency of Responses:*

Recordkeeping; Reporting: On occasion.

*Total Burden Hours:* 4,807.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E9-22864 Filed 9-22-09; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0121]

#### Notice of Determination of the Highly Pathogenic Avian Influenza Subtype H5N1 Status of Saxony, Germany

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination regarding the highly pathogenic avian influenza (HPAI) subtype H5N1 status of Saxony, Germany, following an outbreak in 2008. Based on our assessment of the animal health status of Saxony, Germany, which we made available to the public for review and comment through a previous notice, the Administrator has determined that the importation of live birds, poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds, and other birds from Saxony, Germany, presents a low risk of introducing HPAI H5N1 into the United States.

**DATES:** *Effective Date:* This determination will be effective on October 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** Dr. Julia Punderson, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-4356.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 12, 2009, we published in the **Federal Register** (74 FR 28008-28009, Docket No. APHIS-2008-0121) a notice<sup>1</sup> in which we announced the availability for review and comment of an assessment of the animal health status of Saxony, Germany, relative to highly pathogenic avian influenza (HPAI) subtype H5N1. In the assessment, titled "APHIS' Evaluation of the Status of High Pathogenicity Avian Influenza H5N1 (HPAI H5N1) in Saxony, Germany" (February 2009), we presented the results of our evaluation of the prevalence of HPAI H5N1 in domestic poultry in light of the actions taken by German animal health authorities during and since the outbreak of HPAI H5N1 that occurred in Saxony in 2008.

Our assessment concluded that Germany had adequate detection and control measures in place at the time of the outbreak, that they have been able to effectively control and eradicate HPAI H5N1 in their domestic poultry populations at that time, and that German animal health authorities have control measures in place to rapidly identify, control, and eradicate the disease should it be reintroduced into Germany in either wild birds or domestic poultry.

<sup>1</sup> To view the notice and the assessment, go to <http://www.regulations.gov/jdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0121>.

In our June 2009 notice we stated that if, after the close of the comment period, we could identify no additional risk factors that would indicate that domestic poultry in Saxony, Germany, continue to be affected with HPAI H5N1, we would conclude that the importation of live birds, poultry carcasses, parts of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from Saxony, Germany, presents a low risk of introducing HPAI H5N1 into the United States.

We solicited comments on the notice for 30 days ending on July 13, 2009. We received no comments on our assessment by that date. Therefore we are removing certain restrictions on the importation of these products from Saxony, Germany, into the United States. Specifically:

- We are no longer requiring that processed poultry products from Saxony, Germany, be accompanied by a Veterinary Service import permit and government certification confirming that the products have been treated according to APHIS requirements;
- We are allowing unprocessed poultry products from Saxony, Germany, to enter the United States in passenger luggage; and
- We are removing restrictions regarding Saxony, Germany, from which processed poultry products may originate in order to be allowed entry into the United States in passenger luggage.

However, live birds from Saxony, Germany, are still subject to the inspections at ports of entry and post-importation quarantines set forth in 9 CFR part 93, unless granted an exemption by the Administrator or destined for diagnostic purposes and accompanied by a limited permit.

Done in Washington, DC, this 17th day of September 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9-22931 Filed 9-22-09; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2009-0015]

#### Notice of Determination of the Highly Pathogenic Avian Influenza Subtype H5N1 Status of Suffolk and Norfolk Counties in England

**AGENCY:** Animal and Plant Health Inspection Service, USDA.