

mealybug, melon thrips, bacterial wilt, the rust fungus *Puccinia pampeana*, Andean potato mottle virus, and tomato severe leaf curl virus. If any of pests listed in the workplan, or other quarantine pests, are found to be generally infesting the greenhouse, export from that production site will be halted until the exporting country's NPPO determines that the pest risk has been mitigated.

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(v) The greenhouse must be inspected prior to harvest for those pests listed in the bilateral workplan provided to APHIS by the NPPO of the exporting country, including any of the following pests: The weevil *Faustinus ovatipennis*, pea leafminer, tomato fruit borer, lantana mealybug, passionvine mealybug, melon thrips bacterial wilt, the rust fungus *Puccinia pampeana*, Andean potato mottle virus, and tomato severe leaf curl virus. If any of the pests listed in the workplan, or other quarantine pests, are found to be generally infesting the greenhouse, export from that production site will be halted until the exporting country's NPPO determines that the pest risk has been mitigated.

\* \* \* \* \*

Done in Washington, DC, this 17th day of August 2011.

**Gregory L. Parham,**

*Administrator, Animal and Plant Health Inspection Service.*

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**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 93

[Docket No. APHIS-2008-0112]

RIN 0579-AD31

#### Importation of Horses From Contagious Equine Metritis-Affected Countries

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

**ACTION:** Interim rule; delay of enforcement and reopening of comment period.

**SUMMARY:** We are reopening the comment period for an interim rule that amended the regulations regarding the testing requirements for importation of horses from countries affected with contagious equine metritis. We are also

delaying the enforcement of all provisions of the interim rule until a final rule is published and effective. This action will allow interested persons additional time to comment on the interim rule and provide the Animal and Plant Health Inspection Service with time to make adjustments to the interim rule that may be necessary in order to successfully implement it.

**DATES:** Enforcement of the interim rule amending 9 CFR part 93, published at 76 FR 16683-16686 on March 25, 2011, and delayed until July 25, 2011, in a document published at 76 FR 31220-31221 on May 31, 2011, is delayed until further notice. We will consider all comments that we receive on or before September 7, 2011. APHIS will publish a document in the **Federal Register** announcing any future action.

**ADDRESSES:** You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/#/documentDetail;D=APHIS-2008-0112-0020>.

- **Postal Mail/Commercial Delivery:** Send your comment to Docket No. APHIS-2008-0112, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#/documentDetail;D=APHIS-2008-0112> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ellen Buck, Senior Staff Veterinarian, Equine Imports, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231; (301) 734-8364.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 93 (referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock and poultry. "Subpart C—Horses," §§ 93.300 through 93.326, pertains to the importation of horses into the United States. Sections 93.301 and 93.304 of the regulations contain specific provisions for the importation of horses

from regions affected with contagious equine metritis (CEM), which is a highly contagious venereal disease of horses and other equines caused by an infection with the bacterium *Taylorella equigenitalis*.

On March 25, 2011, we published an interim rule in the **Federal Register** (76 FR 16683-16686, Docket No. APHIS-2008-0112) to amend the regulations regarding the importation of horses from countries affected with CEM by incorporating an additional certification requirement for imported horses 731 days of age or less and adding new testing protocols for test mares and imported stallions and mares more than 731 days of age. The provisions of the interim rule became effective upon publication.

On May 31, 2011, we published a document in the **Federal Register** (76 FR 31220-31221, Docket No. APHIS-2008-0112) to delay the enforcement of the interim rule until July 25, 2011. This action was taken after a request was made by affected entities to allow them additional time to adjust their operation procedures.

#### Delay of Enforcement

Based on comments received following the March 2011 interim rule, we are considering two changes to the interim rule. The interim rule required that three sets of cultures from imported stallions be collected for the detection of the CEM organism, with negative results obtained from at least two sets prior to test breeding. However, based on the comments received, we are considering amending the requirement so that only one set of cultures would be collected from an imported stallion with negative results prior to test breeding. The purpose of culturing a stallion prior to test breeding is to reduce the risk of infecting a test mare. Therefore, test breeding should not take place until negative culture results have been reported. Under the regulations, a stallion may be released from CEM quarantine only if all cultures and tests of specimens from the mares used for test breeding are negative for CEM and all cultures performed on specimens taken from the stallion are negative for CEM.

The interim rule also required that three sets of cultures be collected from imported mares and test mares with an additional culture sample taken from either the distal cervix or the endometrium. Based on the comments received, we are considering replacing that requirement with a provision that would require a culture to be collected from the distal cervix or the

endometrium on the third set of cultures only.

We are reopening the comment period for 15 days to allow additional public comment on the March 2011 interim rule, and we particularly welcome comments on the modifications we are considering to those requirements described above.

Based on our review of the comments received to date, we consider it advisable to delay the enforcement of the interim rule until further notice. This additional time will allow APHIS to consider all comments and make adjustments to the interim rule that may be necessary in order to successfully implement it.

Accordingly, enforcement of the interim rule amending 9 CFR part 93, published at 76 FR 16683–16686 on March 25, 2011, and delayed until July 25, 2011, in a document published at 76 FR 31220–31221 on May 31, 2011, is delayed until further notice.

**Authority:** 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 17th day of August 2011.

**Gregory L. Parham,**

*Administrator, Animal and Plant Health Inspection Service.*

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**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 161

[Docket No. APHIS–2006–0093]

RIN 0579–AC04

#### National Veterinary Accreditation Program; Currently Accredited Veterinarians Performing Accredited Duties and Electing To Participate

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

**ACTION:** Final rule; technical amendment and announcement of end of period for election to participate.

**SUMMARY:** We are announcing to the public that veterinarians who are currently accredited in the National Veterinary Accreditation Program (NVAP) may continue to perform accredited duties and may elect to continue to participate in the NVAP until October 1, 2011. The regulations indicate that currently accredited veterinarians must elect to continue their participation in the NVAP in order

to maintain their accredited status, after which we will confirm their continued participation and notify them of their first renewal date. A previous document announced that currently accredited veterinarians may continue to perform accredited duties until further notice, even if they have not received a date for their first accreditation renewal. That document stated that we would specify a date by which veterinarians would have to elect to participate in a subsequent document.

**DATES:** *Effective Date:* August 23, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. Todd Behre, National Veterinary Accreditation Program, VS, APHIS, 4700 River Road Unit 200, Riverdale, MD 20737; (301) 851–3401.

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR chapter I, subchapter J (parts 160 through 162, referred to below as the regulations), govern the accreditation of veterinarians and the suspension and revocation of such accreditation. These regulations are the foundation for the National Veterinary Accreditation Program (NVAP). Accredited veterinarians are approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, to perform certain regulatory tasks to control and prevent the spread of animal diseases throughout the United States and internationally.

On December 9, 2009 (74 FR 64998–65013, Docket No. APHIS–2006–0093), we published a final rule in the **Federal Register** that amended the regulations to establish two accreditation categories in place of the former single category, to add requirements for supplemental training and renewal of accreditation, and to offer program certifications. The final rule was effective February 1, 2010, a date intended to give us time to prepare to implement the new regulations, which affect about 71,000 veterinarians who are currently accredited.

Section 161.3 of the final rule contained the requirements for supplemental training and renewal of accreditation. Because accredited veterinarians have not previously been required to renew their accreditation or complete supplemental training, we established in paragraph (d) of § 161.3 a process allowing currently accredited veterinarians to determine whether they wished to continue to participate in the NVAP.

Paragraph (d) of § 161.3 states that veterinarians who are accredited as of February 1, 2010, may continue to perform accredited duties between

February 1, 2010, and the date of their first renewal. In accordance with paragraph (d), APHIS provided notice for 3 months to accredited veterinarians who were accredited as of February 1, 2010, to notify them that they must elect to participate in the NVAP as a Category I or Category II veterinarian. Paragraph (d) requires veterinarians to elect to continue to participate within 3 months of the end of the notification period, or their accredited status will expire.

Paragraph (d) of § 161.3 goes on to state that when APHIS receives notice from an accredited veterinarian that he or she elects to participate, APHIS will notify the accredited veterinarian of his or her date for first renewal. The accredited veterinarian must then complete all the training requirements for renewal, as described in § 161.3, by his or her first renewal date. The notification of the first renewal date was thus intended to be the means by which APHIS notifies an accredited veterinarian that we have received notice that he or she has elected to participate and can thus continue performing accredited duties.

In a notice published in the **Federal Register** and effective on September 28, 2010 (75 FR 59605–59606, Docket No. APHIS–2006–0093), we announced that currently accredited veterinarians may continue to perform accredited duties until further notice, even if they have not received a date for their first accreditation renewal from APHIS. We stated that we would also allow currently accredited veterinarians to continue to elect to participate in the NVAP. We took this action because logistical difficulties had prevented us from processing the elections to participate of all the currently accredited veterinarians (over 50,000) who elected to participate. We stated that, when we are closer to reaching the goal of processing those elections, we would publish another document in the **Federal Register** that would amend § 161.3(d) to indicate the date by which veterinarians must elect to continue to participate in the NVAP.

We have determined that setting a deadline of October 1, 2011, will allow adequate time for currently accredited veterinarians to elect to continue participating, if they wish to do so, and for us to process the elections to participate that we have received to this point and any further elections to participate that may be submitted by that date. Accordingly, this document amends § 161.3(d) to indicate that currently accredited veterinarians must elect to participate by October 1, 2011.

A Web seminar on the revisions to the NVAP and how to elect to participate is