

- Should age and reproductive cycle of the animal be taken into account in determining the minimum amount of time an animal spends on pasture or the amount of feed derived from pasture?

#### Ruminant Animal Nutrition

- What is the appropriate contribution of pasture to ruminant animal nutrition?
- What would the effect be to require a minimum dry matter intake (DMI) of 30 percent derived from pasture? Is this an achievable goal? What evidence is available to support 30 percent as a benchmark?
- What factors could affect a minimum DMI variable?
- Does pasture quality affect DMI? Can DMI be affected by factors beyond producers' control, such as weather-related events (e.g., flood or drought)?
- Is it useful to establish a single benchmark or measure, such as minimum DMI, for all dairy operations in the United States and all foreign organic operations who want to be certified to the NOP standard?
- Please provide input on how the regulations should address forage nutritional quality factors such as crude protein, acid detergent fiber, neutral detergent fiber and net energy for lactation? Is this level of detail adequate to ensure the role of pasture is met for organic livestock management under the NOP regulations?

#### Minimum Pasture Requirements

- Please provide input on the implications of adopting a minimum pasture requirement, such as required that dairy animals should spend at least 120 days on pasture. How would the 120 days be counted?
- What evidence in dairy science or animal literature helps explain the appropriate amount of minimum time that dairy cows should be kept on pasture?
- Is the minimum time spent on pasture based primarily on the quality of the pasture, or the quantity of the feed provided by the pasture?
- How is the pasture requirement affected by drought, flood, or other natural disaster?
- Should pasture condition or quality be considered? Should there be a minimum pasture quality requirement?
- Should specific animal-unit stocking rates per acre be considered? How?
- In lieu of a uniform pasture requirement, could a time range (based on the field quality, number of cows, type of operation, and other farm-specific factors included in the organic system plan) adequately or

appropriately define the role of pasture in organic livestock management?

- Should a livestock feed requirement uniformly specify how much feed comes from pasture?

#### Measurement, Enforcement, and Compliance

- How would an accredited certifying agent appropriately measure compliance with specific measures adopted to change the role of pasture? For example, if dry matter intake is used as a benchmark, should it be measured as the average DMI over a certain time period, such as a calendar year or average 12 months?
- How should producers and certifying agents verify compliance over time for a herd of cows that are at various stages of growth or have varying states of nutritional needs? Can the producer and certifying agent determine this in the organic system plan?

#### Market and Other Impacts

- What are the effects on a dairy operation's cost of production (both fixed and variable) if the regulation is amended to include requirements such as minimum time or minimum amount of feed derived from pasture?
- Is there a relationship between the number of cows and number of acres on a farm and the producer's ability to comply with minimum pasture requirements?
- How do the age of the animal, its stage of development, and feed from pasture, interact to affect milk output?
- How would a larger role for pasture affect supplies of organic and non-organic milk and milk products? Please provide any evidence or research to support your discussion.
- What are the effects on consumer prices for dairy products if the NOP regulations include a larger role for pasture on dairy livestock producers?
- How would a larger role for pasture affect the geographical distribution of organic dairy production operations within the United States and foreign countries? Please provide any evidence or research to support your discussion.

#### Scope of the ANPR

In this ANPR, USDA is seeking input on the following issues:

- (1) Is the current role of pasture in the NOP regulations adequate for dairy livestock under principles of organic livestock management and production?
- (2) If the current role of pasture as it is described in the NOP regulations is not adequate, what factors should be considered to change the role of pasture within the NOP regulations. Provide any available evidence in support of concerns raised.

(3) Which parts of the NOP regulations should be changed to address the role of pasture in organic livestock management? Pasture appears in the NOP definitions (subpart B, section 205.2), and in subpart C of production and handling requirements under livestock feed (section 205.237), livestock healthcare (section 205.238), and livestock living conditions (section 205.239). Should the organic system plan requirements (section 205.201) be changed to introduce a specific means to measure and evaluate compliance with pasture requirements for all producers of dairy or other livestock operations? Or, should a new standard be developed just for pasture alone?

All interested parties are encouraged to comment on the issues raised in the scope of this ANPR. Please be specific in your comments. This action is being taken by the NOP to ensure its regulations are clear and consistent, stimulate growth of the organic sector, satisfy consumer expectations, and allow organic producers flexibility in making site-specific, real-time management decisions.

**Authority:** 7 U.S.C. 6501–6522.

Dated: April 10, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 93

[Docket No. 05–041–2]

#### Importation of Cattle From Mexico

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have added San Luis, AZ, as a port through which cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases may be imported into the United States. The proposed rule would also have removed provisions that limit the admission of cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases to the State of Texas and that prohibit the movement of such cattle into areas of Texas quarantined because of fever ticks. We are taking this action after considering the comments we received

following the publication of the proposed rule.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnaldo Vaquer, Senior Staff Veterinarian, National Center for Import and Export, Technical Trade Services Team, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-8364.

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals, birds, and poultry into the United States to prevent the introduction of communicable diseases of livestock and poultry. In section 93.426, paragraph (a) states that all ruminants offered for entry into the United States from Mexico must be inspected at the port of entry and found to be free from communicable diseases and fever tick infestation and to not have been exposed to communicable diseases and fever tick infestation. Under section 93.427(b)(2), cattle that have been exposed to splenic, southern, or tick fever, or that have been infested with or exposed to fever ticks, may be imported from Mexico for admission into the State of Texas, except that portion of the State quarantined because of fever ticks, either at one of the land border ports in Texas listed in section 93.403(c) of the regulations, or at the port of Santa Teresa, NM, provided that certain conditions are met.

On November 9, 2005, we published in the **Federal Register** (70 FR 67933-67935, Docket No. 05-041-1) a proposed rule to amend the regulations in 9 CFR part 93 to: (1) Add San Luis, AZ, as a port through which cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases may be imported into the United States; (2) remove provisions that limit the admission of cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases to the State of Texas; and (3) remove provisions that prohibit the movement of such cattle into areas of Texas quarantined because of fever ticks.

We solicited comments concerning our proposal for 60 days ending on January 9, 2005. We received a total of 11 comments by that date. They were from representatives of the cattle industry, State agriculture and animal health departments, and private citizens. Three of the commenters supported the proposed rule. The remaining commenters were opposed to the proposed rule, citing concerns about importing Mexican cattle, maintaining and staffing the new port, or increasing

the risk of spreading bovine piroplasmiasis (another name for splenic, southern, or tick fever) to domestic cattle within Texas or California.

APHIS is further analyzing the animal health risks associated with the changes we proposed and is therefore withdrawing the November 9, 2005, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered if any new proposed regulations regarding changes to the fever tick regulations are developed.

**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 7th day of April 2006.

**Kevin Shea,**

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

[FR Doc. E6-5509 Filed 4-12-06; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 110

RIN 3150-AH89

#### Proposed Rule; Revision of NRC Form 7, Application for NRC Export/Import License, Amendment, or Renewal

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that govern export and import of nuclear material and equipment concerning the use of NRC Form 7, "Application for NRC Export/Import License, Amendment, or Renewal." Recently, the Commission revised NRC Form 7 to consolidate all license requests (*i.e.*, applications for export, import, combined export/import, amendments and renewals) in one application form. Previously, NRC Form 7 was used only for applications for export of nuclear material and equipment. Import license applications, production or utilization facility export applications, and license amendment and renewal applications were filed by letter. As a result of the revision, these requests, previously made by letter, now would be made using NRC Form 7. The purpose of this proposed change is to amend the regulations that govern export and import of nuclear material and equipment to reflect that all license requests are to be made using NRC Form 7, as revised.

**DATES:** The comment period for this proposed rule ends on May 15, 2006. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to ensure that comments received on or before this date will be considered.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include the following number RIN 3150-AH89 in the subject line of your comments. Comments on rulemaking submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov). Comments also can be submitted via the Federal eRulemaking Portal at <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers at the NRC's Public Document Room (PDR), Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville Maryland. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.gov/NRC/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents