

# Rules and Regulations

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## DEPARTMENT OF HOMELAND SECURITY

### 8 CFR Parts 103, 214, 274a, and 299

[DHS Docket No. USCIS–2008–0038; CIS No. 2459–08]

RIN 1615–AB76

#### Commonwealth of the Northern Mariana Islands Transitional Worker Classification; Reopening the Public Comment Period

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Interim rule; reopening and extending the public comment period.

**SUMMARY:** U.S. Citizenship and Immigration Services (USCIS) announces the reopening and extension of the public comment period for the interim rule entitled “Commonwealth of the Northern Mariana Islands Transitional Worker Classification.” The interim rule was initially published on October 27, 2009 and intended to become effective on November 27, 2009. On November 25, the United States District Court for the District of Columbia enjoined implementation of the rule until DHS considers public comments and issues a final rule. To provide the public and the CNMI with optimum opportunity to comment on the proposed transitional worker classification provisions, USCIS is reopening the comment period for an additional 30 days. USCIS will consider comments received during the entire public comment period in its development of the final rule.

**DATES:** Written comments must be submitted on or before January 8, 2010.

**ADDRESSES:** You may submit comments, identified by DHS Docket No. USCIS–2008–0038, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **E-mail:** You may submit comments directly to USCIS by e-mail at [rfs.regs@dhs.gov](mailto:rfs.regs@dhs.gov). Include DHS Docket No. USCIS–2008–0038 in the subject line of the message.

- **Mail:** Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529–2210. To ensure proper handling, please reference DHS Docket No. USCIS–2008–0038 on your correspondence. This mailing address may also be used for paper, disk, or CD–ROM submissions.

- **Hand Delivery/Courier:** Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529–2210. Contact Telephone Number (202) 272–8377.

**Public Participation:** Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this rule. DHS also invites comments that relate to the economic or federalism effects that might result from this rule. Comments that will provide the most assistance to DHS will reference a specific portion of the rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

**Instructions:** All submissions received must include the agency name and DHS Docket No. USCIS–2008–0038. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received go to <http://www.regulations.gov>. Submitted comments may also be inspected at the Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529–2210.

**FOR FURTHER INFORMATION CONTACT:** Paola Rodriguez Hale, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., 2nd Floor, Washington,

DC 20529–2060, telephone: 202–272–8100.

#### SUPPLEMENTARY INFORMATION:

On May 8, 2008, Congress enacted Public Law 110–229 to extend U.S. immigration laws to the CNMI with transition provisions unique to the CNMI. See Consolidated Natural Resources Act of 2008, Pub. L. 110–229, Title VII, 122 Stat. 754, 853 (2008) (CNRA). The purpose of the CNRA is to ensure effective border controls and properly address national and homeland security concerns by extending U.S. immigration law to the CNMI, and to phase-out the CNMI’s nonresident immigration system in a manner that minimizes adverse economic and fiscal effects while maximizing the CNMI’s potential for future economic growth. The effective date for this transition is November 28, 2009.

On October 27, 2009, USCIS published an interim rule entitled “Commonwealth of the Northern Mariana Islands Transitional Worker Classification” at 74 FR 55094. That rule established a new CNMI-only transitional worker classification (CW classification) intended to be effective for the duration of the transition period. The CW classification would allow workers not otherwise eligible for any other lawful status under the INA to enter or remain in the CNMI as a transitional worker during the transition period. The interim rule was to become effective on November 27, 2009.

On November 25, 2009, the U.S. District Court for the District of Columbia enjoined implementation of the interim rule until DHS considers public comments, makes any necessary changes to the interim rule in response to such comments, and issues the final rule. *Commonwealth of the Northern Mariana Islands v. United States*, No. 08–1572 (D.D.C. Nov. 25, 2009). Although not required to do so under the court’s order, USCIS is providing an additional opportunity for the public to comment on its proposed transitional worker classification provisions set forth in the interim rule. USCIS, therefore, is reopening the public comment period for an additional 30 days. USCIS also is extending the original comment period until January 8, 2010 and will consider comments received throughout the entirety of the public comment period in development

of its final transitional worker classification rule.

Please visit <http://www.regulations.gov> to view the rule and all supporting documents.

**Alejandro N. Mayorkas,**

*Director, U.S. Citizenship and Immigration Services.*

[FR Doc. E9-29331 Filed 12-8-09; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 149, 160, 161, and 162

[Docket No. APHIS-2006-0093]

RIN 0579-AC04

### National Veterinary Accreditation Program

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations regarding the National Veterinary Accreditation Program 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. We are making these changes in order to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent. These changes will increase the level of training and skill of accredited veterinarians in the areas of disease prevention and preparedness for animal health emergencies in the United States.

**EFFECTIVE DATE:** February 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dr. Todd Behre, National Veterinary Accreditation Program, VS, APHIS, 4700 River Road Unit 200, Riverdale, MD 20737; (301) 734-0853.

#### SUPPLEMENTARY INFORMATION:

##### Background

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), United States Department of Agriculture (USDA), to perform certain regulatory tasks to control and prevent the spread of animal diseases throughout the United States and internationally.

We published a proposal to amend the regulations in the **Federal Register** on June 1, 2006 (71 FR 31109-31121, Docket No. APHIS-2006-0093). We proposed to establish two accreditation categories (Category I and Category II) in place of the current single category, to add requirements for supplemental training and renewal of accreditation every 3 years, and to provide for accreditation specializations.

We solicited comments concerning our proposal for 60 days ending July 31, 2006. We received 23 comments by that date. They were from State departments of agriculture, veterinary medical associations, universities, and individual veterinarians.

In the process of considering the comments we received, we identified four changes that we believed would improve the June 2006 proposed rule. On February 27, 2007, we published a supplemental proposed rule<sup>1</sup> in order to take public comment on these four changes (72 FR 8634-8639). We amended the June 2006 proposal by changing the scope of Category I and Category II accreditation; requiring initial accreditation training for all veterinarians seeking accreditation; requiring newly accredited veterinarians to renew their accreditation within 3 years of the initial accreditation training; and reducing the amount of training required for renewal of accreditation.

We solicited comments concerning the supplemental proposal for 60 days ending April 30, 2007. We received 15 comments by that date. They were from a State department of agriculture, a veterinary medical association, and individual veterinarians.

The comments on both the June 2006 proposal and the February 2007 supplemental proposal are discussed below by topic.

##### General Comments

One commenter stated that safeguarding the health of animals would best be done through owner education and training, not through regulations. Another commenter stated that education of veterinarians should

be performed by the Department of Education, rather than APHIS.

APHIS has been given the authority to establish the NVAP under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*). The NVAP is necessary to ensure that tasks associated with the health of livestock, such as participating in disease surveillance, issuing animal health certificates, and conducting APHIS-Veterinary Services program activities, are performed by qualified individuals. Owner education and training, while important to overall veterinary health, cannot provide assurance that qualified individuals perform such tasks.

One commenter asked us to include specific language in the regulations stating that the accreditation program will be implemented, maintained, and amended in cooperation with State animal health officials.

The regulations provide for consultation with State animal health officials in developing orientation materials and reviewing applications for accreditation. We did not propose to change those provisions; they are included in paragraphs (e)(4) and (d), respectively, of § 161.1 in this final rule. We consult with State animal health officials routinely on matters affecting the NVAP; it would be impossible to administer the program without their cooperation. We do not believe it is necessary to add a specific statement about that cooperation to the regulations.

One commenter stated that accreditation should be a national program; once a veterinarian is authorized to perform accredited duties in one State, that veterinarian should be authorized in every State in which the veterinarian is eligible to practice veterinary medicine.

Every State has a different orientation program that addresses animal disease issues unique to that State; as mentioned earlier, State animal health officials are invited to contribute to the development of this orientation program. We consider providing State-specific information in the orientation to be important to the success of the NVAP. We are making no changes in response to this comment.

One commenter recommended that we consider streamlining the process for authorizing the performance of accredited duties in a new State in a disease emergency situation, assuming the veterinarians are licensed to practice veterinary medicine in the new State.

We agree with the commenter that it is important to ensure the availability of accredited veterinarians to respond to disease emergencies. The new

<sup>1</sup> To view the June 2006 proposed rule, the February 2007 supplemental proposal, and the comments we received on both rules, go to (<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0093>).