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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MONTANA
 BILLINGS DIVISION

RANCHERS CATTLEMEN ACTION LEGAL FUND)	
UNITED STOCKGROWERS OF AMERICA,)	
)	
Plaintiff,)	CV-04-BLG-RFC
)	
vs.)	DEFENDANTS' FIFTH
)	STATUS REPORT
)	
UNITED STATES DEPARTMENT OF AGRICULTURE,)	
ANIMAL AND PLANT HEALTH INSPECTION)	
SERVICE, and ANN M. VENEMAN, IN HER)	
CAPACITY AS THE SECRETARY OF AGRICULTURE,)	
)	
Defendants.)	
)	

Defendants are submitting this pursuant to paragraph 3 of the Court's May 5, 2004 Order requiring a status report on the rulemaking proposed on November 4, 2003, 68 Fed. Reg. 62,386, and reopened for further public input on March 8, 2004, 69 Fed. Reg. 10,633. The draft final rule has been submitted by the Department of Agriculture to the Office of Management and Budget pursuant to Executive Order 12,866 and is currently undergoing review. The rule under review is a final rule and provides that the rule will not become effective until sixty days after

publication in the Federal Register. This period coincides with the sixty day statutory review period provided for in the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C 801-808).

Respectfully submitted,

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Dated: Dec. 9, 2004

CERTIFICATE OF SERVICE

I certify that on December 9, 2004, a copy of the Defendants' Fifth Status Report was served upon plaintiff's counsel by telefax and first-class mail, postage prepaid, as follows:

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