

UNITED STATES DISTRICT COURT  
 DISTRICT OF SOUTH DAKOTA  
 NORTHERN DIVISION

RANCHERS CATTLEMEN ACTION	)	
LEGAL FUND, UNITED STOCKGROWERS	)	
OF AMERICA, <u>et al.</u> ,	)	CIV-07-1023
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
AGRICULTURE, <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	

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**DEFENDANTS' STATUS REPORT**

In accordance with the Court's Memorandum Opinion and Order dated July 3, 2008, Defendants submit this quarterly status report regarding the status of the required administrative proceedings. As we previously reported, on September 18, 2008, Defendants published in the Federal Register a request for comments regarding the importation of beef from minimal-risk regions that is derived from bovines thirty months of age or older when slaughtered. Defendants received more than 4,800 pages of comments in response to the September 2008 notice.

The Animal and Plant Health Inspection Service (APHIS) has prepared a docket containing its analysis of the comments filed in response to the September 2008 notice, which is currently in intra-departmental clearance. Once cleared, the docket will be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, pursuant to Executive Order 12866. Defendants anticipate this submission will take place no later than the next quarterly status report, which is due on January 5, 2010. Following OMB review, pursuant to Executive Order 12866, the docket will be published promptly in the Federal

Register.

In addition, in accordance with the semi-annual regulatory agenda of the United States, the Unified Agenda, published in the Federal Register on May 11, 2009 (74 FR 21874-75), APHIS is preparing a docket to initiate rulemaking that would comprehensively amend the bovine spongiform encephalopathy (BSE) regulations regarding the importation of bovines and bovine products. The proposed criteria for country classification and commodity import would be closely aligned with those of the World Organization for Animal Health. This proposed rule docket is now expected to be published for comment late in this calendar year or early in 2010.

The information and representations contained within this status report have been disclosed to Plaintiffs, and they agree that they have been so informed.

Dated: October 5, 2009

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Respectfully submitted,

TONY WEST  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2009, I caused the foregoing submission to be served on Plaintiffs and amici curiae by filing it pursuant to this Court's Case Management/Electronic Case Filing Administrative Procedures.

/s/ Peter D. Leary  
Peter D. Leary