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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 96-016-28]

RIN 0579-AA83

Karnal Bunt; Additions to Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule; technical amendment.

SUMMARY: In an interim rule published in the **Federal Register** on November 24, 1997, we amended the Karnal bunt regulations by adding portions of McCulloch, Mills, and San Saba Counties, TX, to the list of regulated areas and by expanding the boundaries of the regulated areas in La Paz, Maricopa, and Pinal Counties, AZ, due to the detection of Karnal bunt in those areas.

The interim rule contained an error in the Supplementary Information section and an error in a list of fields in the rule portion. This document corrects those errors.

DATES: This amendment is effective November 24, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-016-26, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-016-26. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call

ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247.

SUPPLEMENTARY INFORMATION: In an interim rule published in the **Federal Register** on November 24, 1997 (62 FR 62504-62506, Docket No. 96-016-26), we amended the Karnal bunt regulations in 7 CFR part 301 by adding certain counties in Texas to the list of regulated areas due to the detection of Karnal bunt in those areas. We also expanded the boundaries of regulated areas in certain counties in Arizona for the same reason.

In the Supplementary Information section of the interim rule, we summarized the regulations that apply to these newly regulated areas. Among other things, we stated that "While Karnal bunt host crops may be planted in the surveillance area, they may not be used for seed." We should have said that Karnal bunt host crops may be planted in the surveillance area and may be used for seed within the regulated area if tested and found free from spores and bunted wheat kernels and then treated with fungicide in accordance with § 301.89-13(d).

Also, the rule portion of the interim rule contained an error in a list of numbered fields designated as restricted areas for regulated articles other than seed in San Saba County, TX. Field number 40113 3301 should not have been listed. Fields numbers 40113 3302 and 40113 3303 should have been listed instead. All these fields belong to the same individual, and the misdesignation stemmed from a paperwork error. We are correcting the error in our list.

List of Subjects in 7 CFR 301

Agricultural commodities, Plant diseases and pests, Quarantine reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.89-3 [Corrected]

2. In § 301.89-3, in paragraph (f), under the heading "Texas", in paragraph (2), under "San Saba County", the number "40113 3301" is removed and the numbers "40113 3302" and "40113 3303" are added in its place.

Done in Washington, DC, this 18th day of December 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-34177 Filed 12-31-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 97-126-1]

Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals; Nonsubstantive Corrections

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding humane handling, care, treatment, and transportation of marine mammals to correct the designations of three footnotes. This action will result in all the footnotes in 9 CFR part 3, "Standards," being numbered consecutively. We are also removing the authority citations that appear unnecessarily in three places in the regulations.

EFFECTIVE DATE: December 23, 1997.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Holmes, Regulatory Coordination Specialist, Regulatory Analysis and Development, Program Planning and Development, APHIS, USDA, 4700 River Road Unit 118, Riverdale, MD 20737-1238; (301) 734-8682.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 3, subpart E (§§ 3.100 through 3.118,

referred to below as the regulations) contain specifications for the humane handling, care, treatment, and transportation of marine mammals. The three footnotes in subpart E are currently designated as footnotes 1, 5, and 2. We are amending the regulations by redesignating those three footnotes as footnotes 6, 7, and 8, respectively. This action will result in all the footnotes in 9 CFR part 3, "Standards," being numbered consecutively.

We are also removing the authority citation that appears at the beginning of subpart E, as well as the authority citation that appears at the beginning of "Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" and the authority citation that appears in subpart F just above § 3.136, "Consignments to carriers and intermediate handlers." The authority that applies to all of part 3, including subparts E and F, is cited at the beginning of the part.

Because the changes contained in this rule are nonsubstantive in nature, we have found that notice and public procedure on this rule are unnecessary. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12866 and Executive Order 12988. Finally, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus, is exempt from the provisions of the Act.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

Accordingly, 9 CFR part 3 is amended as follows:

PART 3—STANDARDS

1. The authority citation for part 3 continues to read as follows:

Authority: 7 U.S.C. 2131–2156; 7 CFR 2.22, 2.80, and 371.2(d).

2. The authority citation for "Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" is removed.

§ 3.100 [Amended]

3. In § 3.100, paragraph (a), footnote 1 and its reference in the text are redesignated as footnote 6.

§ 3.102 [Amended]

4. In § 3.102, paragraph (c), footnote 5 and its reference in the text are redesignated as footnote 7.

§ 3.104 [Amended]

5. In § 3.104, paragraph (b)(1)(i), footnote 2 and its reference in the text are redesignated as footnote 8.

6. The authority citation for "Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" is removed.

7. In subpart F, under the undesignated center heading "Transportation Standards", the authority citation is removed.

Done in Washington, DC, this 23rd day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-34178 Filed 12-31-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 97-120-1]

National Poultry Improvement Plan and Auxiliary Provisions; Nonsubstantive Corrections

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the provisions of the National Poultry Improvement Plan (the Plan) to update the address of the Plan's office, which has been moved to a new location. We are also making several nonsubstantive changes to the provisions of the Plan to correct errors or inconsistencies.

EFFECTIVE DATE: December 23, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National

Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 200, Conyers, GA 30094-5104; (770) 922-3496.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 145 and 147 contain the provisions of the National Poultry Improvement Plan (NPIP), a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. We are making several nonsubstantive changes to those provisions to correct errors or inconsistencies and to reflect: (1) The relocation of the NPIP staff to a new office; (2) the current organizational affiliation of the Veterinary Biologics staff within the Animal and Plant Health Inspection Service (APHIS); and (3) the current edition number and publication date of a textbook referred to in the regulations.

We are also correcting several paragraph references within § 147.11 of the regulations. In a final rule published in the **Federal Register** on March 18, 1994 (59 FR 12795-12805, Docket No. 92-151-2), we amended § 147.11 by redesignating paragraphs (a) through (j) as paragraphs (b)(1) through (b)(10). When we made that change, however, we failed to update several internal references within the section to reflect the redesignation of its paragraphs. We are, therefore, amending § 147.11 to correct those errors.

Because the changes contained in this rule are nonsubstantive in nature, we have found that notice and public procedure on this rule are unnecessary. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12866 and Executive Order 12988. Finally, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus, is exempt from the provisions of the Act.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.