

caused by *Mycobacterium bovis*. Tuberculosis causes weight loss, general debilitation, and sometimes death. The regulations at 9 CFR part 50, "Animals Destroyed Because of Tuberculosis" (the regulations), administered by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (the Department), provide for payment of Federal indemnity to owners of certain cattle, bison, captive cervids, and swine destroyed because of tuberculosis.

In an interim rule effective June 17, 1998, and published in the **Federal Register** on June 24, 1998 (63 FR 34259–34264, Docket No. 98–033–1), we amended the regulations to provide for the payment of Federal indemnity to owners of cattle, bison, and captive cervids that have been classified as suspects for tuberculosis and have been destroyed, when it has been determined by the Administrator of APHIS that the destruction of the suspect animals will contribute to the tuberculosis eradication program in U.S. livestock. This provision was added in a new paragraph (d) to § 50.3, "Payment to owners for animals destroyed." The indemnity will not exceed \$450 per animal and the joint State-Federal indemnity payments, plus salvage, may not exceed the appraised value of each animal. In addition, to help ensure that the remainder of the herd is tested for tuberculosis, the interim rule provides that payment of indemnity for suspects will be withheld until the tuberculosis status of the suspect has been determined and, if the suspect is found to be infected with tuberculosis, all cattle, bison, and captive cervids 2 years of age or over in the herd have been tested for tuberculosis under APHIS or State supervision.

In conjunction with the addition of indemnity for certain suspect cattle, bison, and captive cervids, the interim rule also made a number of other changes to the regulations:

- The interim rule added a new paragraph (c) to § 50.4, "Determination of existence of or exposure to tuberculosis," to state that cattle and bison are classified as suspects for tuberculosis based on a positive response to an official tuberculin test, in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" (incorporated into the regulations by reference in part 77); and that captive cervids are classified as suspects for tuberculosis in the same manner as cattle and bison. The interim rule also revised the heading for § 50.4 to read "Classification of cattle, bison, and captive cervids as affected, exposed, or suspect;"

- The interim rule revised § 50.8, concerning payment of expenses for transporting and disposing of affected and exposed animals, to allow such payments for suspect cattle, bison, and captive cervids; and

- The interim rule revised § 50.14(b) to exempt cattle, bison, and captive cervids destroyed under new § 50.3(d) from the requirement that all cattle, bison, and captive cervids 2 years of age or over in the herd must be tested before indemnity may be claimed. As in new § 50.3(d), revised § 50.14(b) requires that, if the suspect is found to be infected with tuberculosis, the remainder of the herd must be tested for tuberculosis if indemnity is to be paid.

The interim rule made one miscellaneous change to the regulations. We added the term "captive" before "cervid" each time it appears in part 50 to clarify that the regulations do not apply to wild cervids.

Comments on the interim rule were required to be received on or before August 24, 1998. We received two comments, both in support of the interim rule. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### **Proposal to Revise Definition of Captive Cervid**

In § 50.1, a captive cervid is defined to mean "All species of deer, elk, and moose raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition." On April 4, 1996, we published a proposed rule in the **Federal Register** (61 FR 14982–14999, Docket No. 92–076–1) to add interstate movement and testing requirements for captive cervids to 9 CFR part 77. We are currently considering a final rule to follow Docket No. 92–076–1. In the final rule, based on comments received, we are considering adding a definition of captive cervid to part 77 to read: "All species of deer, elk, moose, and all other members of the family Cervidae raised or maintained in captivity for the production of meat and other agricultural products, for sport, or for exhibition. A captive cervid that escapes will continue to be considered a captive cervid as long as it bears an official eartag or other identification

approved by APHIS with which to trace the animal back to its herd of origin."

In the preamble to the interim rule we are affirming in this document, we proposed that, if we added this definition of captive cervid to part 77 in our final rule to Docket No. 92–076–1, we would, in that same final rule, revise the definition of captive cervid in part 50 to be consistent with part 77. Neither of the two comments we received on the interim rule objected to this proposal. Therefore, if we publish a final rule adding the new definition to part 77, the final rule will also revise the definition of captive cervid in part 50. We are making no change to the definition of captive cervid in this document.

#### **List of Subjects in 9 CFR Part 50**

Animal diseases, Bison, Cattle, Hogs, Indemnity Payments, Reporting and recordkeeping requirements, Tuberculosis.

#### **PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 50 and that was published at 63 FR 34259–34264 on June 24, 1998.

**Authority:** 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 30th day of September 1998.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98–26765 Filed 10–5–98; 8:45 am]

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#### **DEPARTMENT OF AGRICULTURE**

##### **Animal and Plant Health Inspection Service**

##### **9 CFR Part 77**

[Docket No. 97–063–3]

##### **Tuberculosis in Cattle and Bison; State Designation; Hawaii**

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by raising the designation of Hawaii from an accredited-free (suspended) State to an accredited-free State. We have determined that Hawaii meets the

criteria for designation as an accredited-free State.

**EFFECTIVE DATE:** The interim rule was effective on June 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dr. Joseph VanTiem, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-7716.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective June 1, 1998, and published in the **Federal Register** on June 5, 1998 (63 FR 30582-30583, Docket No. 97-063-2), we amended the tuberculosis regulations in 9 CFR part 77 by removing Hawaii from the list of accredited-free (suspended) States in § 77.1 and adding it to the list of accredited-free States in that section.

Comments on the interim rule were required to be received on or before August 4, 1998. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

**List of Subjects in 9 CFR Part 77**

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

**PART 77—TUBERCULOSIS**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 63 FR 30582-30583 on June 5, 1998.

**Authority:** 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 30th day of September 1998.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98-26764 Filed 10-5-98; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 78**

[Docket No. 98-061-2]

**Validated Brucellosis-Free States; Oklahoma**

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of swine by adding Oklahoma to the list of validated brucellosis-free States. We have determined that Oklahoma meets the criteria for classification as a validated brucellosis-free State. The interim rule relieved certain restrictions on the interstate movement of breeding swine from Oklahoma.

**EFFECTIVE DATE:** The interim rule was effective on June 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Taft, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-4916.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective and published in the **Federal Register** on June 24, 1998 (63 FR 34266-34267, Docket No. 98-061-1), we amended the brucellosis regulations in 9 CFR part 78 by adding Oklahoma to the list of validated brucellosis-free States in § 78.43.

Comments on the interim rule were required to be received on or before August 24, 1998. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

**List of Subjects in 9 CFR Part 78**

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

**PART 78—BRUCELLOSIS**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 63 FR 34266-34267 on June 24, 1998.

**Authority:** 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 30th day of September 1998.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98-26766 Filed 10-5-98; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 78**

[Docket No. 98-068-2]

**Brucellosis in Cattle; State and Area Classifications; Louisiana**

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Louisiana from Class Free to Class A. We have determined that Louisiana no longer meets the standards for Class Free status. The interim rule was necessary to impose certain restrictions on the interstate movement of cattle from Louisiana.

**EFFECTIVE DATE:** The interim rule was effective on June 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dr. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-7709; or e-mail: reed.t.rollo@usda.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective on June 16, 1998, and published in the **Federal Register** on June 24, 1998 (63 FR 34264-34266, Docket No. 98-068-1), we amended the brucellosis regulations in 9 CFR part 78 by removing Louisiana from the list of Class Free States in § 78.41(a) and adding it to the list of Class A States in § 78.41(b).

Comments on the interim rule were required to be received on or before