

# Rules and Regulations

Federal Register

Vol. 64, No. 202

Wednesday, October 20, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

### Rural Business-Cooperative Service

### Rural Utilities Service

### Farm Service Agency

### 7 CFR Parts 2003 and 3570

RIN 0575-AC10

### Community Facilities Grant Program; Correction

**AGENCIES:** Rural Housing Service (RHS), Rural Business-Cooperative Service (RBS), Rural Utilities Service (RUS), and Farm Service Agency (FSA), USDA.

**ACTION:** Correction to final regulations.

**SUMMARY:** The Rural Housing Service (RHS) corrects a final rule published June 17, 1999 (64 FR 32387). This action is to remove an incorrect amendment. Accordingly, the final rule is corrected to read as follows: On page 32388 in the third column, remove Amendment 3 and redesignate remaining amendments accordingly.

**EFFECTIVE DATE:** October 20, 1999.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Barton, Senior Loan Specialist, Community Programs Division, Rural Housing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250-0787, telephone (202) 720-1504.

Dated: September 27, 1999.

**Jill Long Thompson,**

*Under Secretary Rural Development.*

[FR Doc. 99-27405 Filed 10-19-99; 8:45 am]

BILLING CODE 3410-XV-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 77

[Docket No. 99-063-1]

### Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the tuberculosis regulations concerning the interstate movement of cattle and bison by raising the designations of California, Pennsylvania, and Puerto Rico from modified accredited States to accredited-free States. We have determined that California, Pennsylvania, and Puerto Rico meet the criteria for designation as accredited-free States.

**DATES:** This interim rule is effective October 14, 1999. We invite you to comment on this docket. We will consider all comments that we receive by December 20, 1999.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 99-063-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 99-063-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**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

Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. The regulations in 9 CFR part 77, "Tuberculosis" (referred to below as the regulations), regulate the interstate movement of cattle and bison because of tuberculosis. Cattle and bison not known to be affected with or exposed to tuberculosis are eligible for interstate movement without restriction if those cattle or bison are moved from a State designated as an accredited-free, accredited-free (suspended), or modified accredited State. The regulations restrict the interstate movement of cattle and bison not known to be affected with or exposed to tuberculosis if those cattle or bison are moved from a nonmodified accredited State.

The status of a State is based on its freedom from evidence of tuberculosis in cattle or bison, the effectiveness of the State's tuberculosis eradication program, and the degree of the State's compliance with the standards contained in a document titled "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which has been made part of the regulations by incorporation by reference. A State must have no findings of tuberculosis in any cattle or bison for at least 5 years to be designated as an accredited-free State. A State that reverts to modified accredited status from accredited-free status, due to the detection of tuberculosis in two or more herds within a 48-month period, is eligible to apply for the reinstatement of its accredited-free status following 5 years of freedom from evidence of tuberculosis and full compliance with the standards contained in the "Uniform Methods and Rules—Bovine Tuberculosis Eradication."

Before publication of this interim rule, California, Pennsylvania, and Puerto Rico were designated in § 77.1 of the regulations as modified accredited States. However, California, Pennsylvania, and Puerto Rico now meet the requirements for designation as accredited-free States. The two States and Puerto Rico have been free of tuberculosis for at least 5 years, and

they have met the requirements of the standards contained in the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" by tracing all potential sources of infection and maintaining an adequate level of slaughter surveillance. Therefore, we are amending the regulations by removing California, Pennsylvania, and Puerto Rico from the list of modified accredited States in § 77.1 and adding them to the list of accredited-free States in that section.

#### Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to change the regulations so that they accurately reflect the current tuberculosis status of California, Pennsylvania, and Puerto Rico as accredited-free States. This will provide prospective cattle and bison buyers with accurate and up-to-date information, which may affect the marketability of cattle and bison since some prospective buyers prefer to buy cattle and bison from accredited-free States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle and bison are moved interstate for slaughter, for use as breeding stock, or for feeding. California has approximately 2,650 dairy herds and 12,158 beef herds with a combined total of approximately 5,968,679 cattle. Approximately 98 percent of herd owners would be considered small businesses. Pennsylvania has approximately 10,920 dairy herds and 11,237 beef herds with a combined total of approximately 1,672,295 cattle. Approximately 99 percent of herd

owners would be considered small businesses. Puerto Rico has approximately 1,982 dairy herds and 3,957 beef herds with a combined total of approximately 386,980 cattle. Approximately 99 percent of herd owners would be considered small businesses. Changing the status of California, Pennsylvania, and Puerto Rico may enhance the marketability of cattle and bison from those States, since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. This may result in some beneficial economic effect on some small entities. However, based on our experience in similar designations of other States, the effect should not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This interim rule contains no 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 77

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

Accordingly, we are amending 9 CFR part 77 as follows:

#### PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

**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).

2. In § 77.1, in the definition of *Accredited-free state*, paragraph (2) is amended by adding "California," immediately after "Arkansas," and by adding "Pennsylvania, Puerto Rico," immediately after "Oregon," and in the definition of *Modified accredited State*, paragraph (2) is revised to read as follows:

#### § 77.1 Definitions.

\* \* \* \* \*

*Modified accredited State.*

\* \* \* \* \*

(2) Modified accredited States: New Mexico and Texas.

\* \* \* \* \*

Done in Washington, DC, this 14th day of October 1999.

**Richard L. Dunkle,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99–27322 Filed 10–19–99; 8:45 am]

BILLING CODE 3410–34–U

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

**9 CFR Parts 303, 304, 307, 308, 312, 314, 327, 331, 350, 381, and 416**

[Docket No. 96–037F]

### Sanitation Requirements for Official Meat and Poultry Establishments

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is revising its regulatory requirements concerning sanitation in official meat and poultry establishments. Specifically, FSIS is consolidating the sanitation regulations into a single part applicable to both official meat and poultry establishments, eliminating unnecessary differences between the sanitation requirements for meat and poultry processing, and converting many of the highly prescriptive sanitation requirements to performance standards. **EFFECTIVE DATES:** January 25, 2000.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Engeljohn, Ph.D., Director, Regulation Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 720–5627.

#### SUPPLEMENTARY INFORMATION:

#### Background

As a result of a recent, comprehensive review of its regulatory procedures and