

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****9 CFR Part 78**

[Docket No. 98-014-1]

**Brucellosis in Cattle; State and Area Classifications; Florida****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Florida from Class A to Class Free. We have determined that Florida meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Florida.

**DATES:** Interim rule effective March 25, 1998. Consideration will be given only to comments received on or before May 26, 1998.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 98-014-1, 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. 98-014-1. 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:** 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: rrollo@aphis.usda.gov.

**SUPPLEMENTARY INFORMATION:****Background**

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and

Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis reactors found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Florida was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12 consecutive month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for Florida, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Florida from the list of Class A States in § 78.41(b) and adding it to the list of Class Free

States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Florida.

**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 remove unnecessary restrictions on the interstate movement of cattle from Florida.

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 it effective upon publication in the **Federal Register**. 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**. It 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 moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Florida from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Florida, as well as buyers and importers of cattle from this State.

There are an estimated 20,000 cattle herds in Florida that will be affected by this rule. All of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, Class Free status would save approximately \$4 per head.

Therefore, we believe that changing the brucellosis status of Florida will not have a significant economic impact on the small entities affected by this interim rule.

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 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 document 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 78

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

Accordingly, 9 CFR part 78 is amended as follows:

#### PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

**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). 78.41 [Amended]

#### § 78.41 [Amended]

2. In § 78.41, paragraph (a) is amended by adding "Florida," immediately after "Delaware," and paragraph (b) is amended by removing "Florida,".

Done in Washington, DC, this 20th day of March 1998.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98–7718 Filed 3–24–98; 8:45 am]

BILLING CODE 3410–34–P

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR PART 792

#### The Freedom of Information Act and Privacy Act

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final rule.

**SUMMARY:** NCUA is revising its regulations governing the disclosure of information under the Freedom of Information Act (FOIA) to reflect recent changes to FOIA brought about by the enactment of the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA). The revised regulation sets forth new procedures NCUA will employ to implement provisions of E-FOIA, such as expedited treatment of requests and multi-track processing. The rule also clarifies the information that must be included in FOIA requests so that NCUA can process them. Other changes to the rule provide guidance to the public on how to obtain records contained in the files of the Office of Inspector General. A change to the fee provision reflects a recalculation of the agency's duplication costs.

**DATES:** This regulation is effective April 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dianne Salva, Staff Attorney, or Sheila Albin, Associate General Counsel, (703) 518–6540.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 2, 1996, the President signed into law the Electronic Freedom of Information Act Amendments of 1996, Public Law 104–231. E-FOIA has twin goals of making records contained in government files more easily accessible to the public and improving administration of FOIA programs in the agencies. In particular, Congress moved to amend the FOIA because it found that government agencies were increasingly using computers to conduct agency business and store valuable agency records and information. In recognition of the vast amount of information the government maintains in electronic format, E-FOIA was designed to ensure continued public access to government information, including that maintained in electronic format. This final rule revises the NCUA's information disclosure regulations, 12 CFR part 792, to comply with E-FOIA.

On November 13, 1997, NCUA published a proposed rule, (62 FR 60799), and, in response, received five comments from the public. The

comments received generally supported the proposal. Several commenters applauded the breadth of information available on the NCUA website, but also asked that NCUA consider expanding the categories of information available on the website and emphasized the need to update the website information expeditiously. NCUA has a wide variety of records on its website and more information is added regularly. One commenter asked that information on the website be made available in various electronic formats. These comments have been forwarded to the NCUA staff responsible for maintenance of the website for consideration.

One commenter expressed confusion over the mechanics of the multi-track system. NCUA believes that a multi-track processing system is the most efficient and fair way to process FOIA requests. If requests were processed on a strict first-in first-out basis, a request that could be easily answered, such as one for a press release, would be processed only after an earlier-received, complex request requiring extensive search and review. Accordingly, the multi-track system remains incorporated in this final rule. One commenter expressed confusion over the interaction between the treatment of an expedited request and the multi-track processing system, as well as the standards that will be applied to determine to which track a request is assigned. To address such confusion, NCUA's final rule clarifies that the multi-track system includes a fast track, an expedited track and a regular track. The types of requests that will enter the fast track are described in the proposal as those that seek records which are readily identifiable or have already been cleared for public release. In general, requests placed on the fast track will be those seeking records that are not voluminous and do not require extensive review to determine the applicability of any FOIA exemptions. The commenter asked that NCUA explain, by example, what type of records would meet that standard. Generally speaking, records that will qualify for the fast track will be those that have previously been released publicly by NCUA under FOIA, and that can be quickly located at the Information Center handling the request. Examples of such documents include NCUA letters to credit unions, reports to Congress, call report data as available on the NCUA website or listings of credit unions in a geographical area.

NCUA received four comments suggesting that it establish a specific time limit for processing requests under the multi-track or expedited processing