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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 01-020-1]

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: This interim rule was effective June 13, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 20, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01-020-1, 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. 01-020-1.

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 dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-7708.

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 A and Class B 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 percentage of all brucellosis reactor cases 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 consecutive 12-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.

The last brucellosis-infected cattle herd in Florida was released from quarantine in December 2000. Since then, no brucellosis-affected herds have been detected.

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

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Florida. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after 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**. 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 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 operations in Florida that may be affected by this rule. Approximately 95 to 98 percent 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 \$5 to \$6 per head.

Therefore, we believe that changing the brucellosis status of Florida will not have a significant economic effect 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 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 78

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

Accordingly, we are amending 9 CFR part 78 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 371.4.

§ 78.41 [Amended]

2. Section 78.41 is amended as follows:

- a. In paragraph (a), by adding “Florida,” in alphabetical order.
- b. In paragraph (b), by removing “Florida,”.

Done in Washington, DC, this 13th day of June 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–15409 Filed 6–18–01; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

RIN 3245–AE40

New Markets Venture Capital Program; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule; Withdrawal of interim final rule; Correction.

SUMMARY: The Small Business Administration (SBA) published in the **Federal Register** of May 23, 2001 (66 FR 28602), a final rule implementing the New Markets Venture Capital Program and withdrawing a previous interim

final rule. SBA now makes technical corrections to fix clerical and/or typographical errors in the previously published final rule.

DATES: The technical corrections to this rule are effective on May 23, 2001.

FOR FURTHER INFORMATION CONTACT:

Austin Belton, Director, Office of New Markets Venture Capital, 202–205–7027; or Louis Cupp, Policy Analyst, Office of New Markets Venture Capital, 202–619–0511.

SUPPLEMENTARY INFORMATION: The SBA published a final rule in the **Federal Register** on May 23, 2001 (66 FR 28602) implementing the New Markets Venture Capital Program and withdrawing a previous interim final rule. The published rule contained several clerical and/or typographical errors. Because the errors are not significant in nature and number, SBA believes that listing the corrections is sufficient. Therefore, make the following corrections to FR Doc. 01–12501 published on May 23, 2001 (66 FR 28602):

1. On page 28602, in the first column, under the **DATES** heading, correct the citation “40 CFR part 108” under the “Withdrawal Date” subheading to read “13 CFR part 108”.

PART 108—[CORRECTED]

2. On page 28610, in the third column, 2d and 1st lines from the bottom, the Authority citation is corrected to read as follows:

Authority: 15 U.S.C. 689–689q.

§ 108.150 [Corrected]

3. On page 28615, in the second column, under § 108.150(c) introductory text, correct the first sentence to read as follows:

§ 108.150 Management and ownership diversity requirement.

* * * * *

- (c) * * * At least 30 percent of your Regulatory Capital and Leverageable Capital must be owned and controlled by three Persons unaffiliated with your management and unaffiliated with each other, whose investments are significant in dollar and percentage terms as determined by SBA. * * *
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§ 108.2010 [Corrected]

4. On page 28632, in the first column, under § 108.2010(b), last line, correct the citation “48 CFR 31.001” to read “48 CFR 2.101”.