provided or guaranteed by RUS or RTB (or when obtained through a lien accommodation or subordination approved by RUS or RTB).

The Executive Order requires all Federal agencies to ensure that any new building which is leased for federal users or purchased or constructed with federal assistance is designed and constructed in accordance with appropriate seismic design standards. Those standards must be equivalent to or exceed the seismic safety levels in the National Earthquake Hazards Reduction Program (NEHRP) recommended provisions for the development of seismic regulations for new buildings. The Executive Order charges the Interagency Committee on Seismic Safety in Construction (ICSSC) with recommending appropriate and cost-effective seismic design, construction standards and practices.

The ICSSC has identified several model codes and standards that provide an acceptable level of seismic safety. The existing regulation in this subpart is revised to identify new model codes or standards which are equivalent to the 1994 NEHRP Recommended Provisions for the Development of Seismic Regulations for New Buildings.

A proposed rule was published May 26, 2000, at 65 FR 34125, with the comment period ending July 25, 2000. No comments were received in response to the proposed rule.

**List of Subjects in 7 CFR Part 1792**

Buildings and facilities, Electric power, Grant programs, Loan programs, Reporting and recordkeeping requirements, Rural area, Seismic safety, Telephone.

For reasons contained in the preamble, chapter XVII of title 7 of the Code of Federal Regulations is amended to read as follows:

## PART 1792—COMPLIANCE WITH OTHER FEDERAL STATUTES, REGULATIONS, AND EXECUTIVE ORDERS

1. The authority citation for this part is revised to read as follows:

**Authority:** 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*, and 42 U.S.C. 7701 *et seq.*

## Subpart C—Seismic Safety

2. Section 1792.101 is amended by revising paragraph (b) and removing paragraphs (c), (d), and (e), to read as follows:

**§ 1792.101 General.**

* * * * *

(b) This subpart identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by the Rural Utilities Service (RUS) or the Rural Telephone Bank (RTB) (or through lien accommodations or subordinations approved by RUS or RTB).

3. Section 1792.102 is amended by revising the definitions for ''RUS'' and ''Seismic,'' removing ''REA,'' and adding the definition of ''Model Code'' to read as follows:

**§ 1792.102 Definitions.**

* * * * *

*Model Code*—A building code developed for the adoption of local or state authorities or to be used as the basis of a local or state building code.

* * * * *

*RUS*—Rural Utilities Service, and for the purposes of this subpart, shall include the Rural Telephone Bank. For the purposes of RTB borrowers, as used in this subpart, RUS means RTB and Administrator means Governor.

*Seismic*—Related to or caused by earthquakes.

* * * * *

4. Sections 1792.103 and 1792.104 are revised to read as follows:

**§ 1792.103 Seismic design and construction standards for new buildings.**

(a) In the design and construction of federally assisted buildings, the borrowers and grant recipients must utilize the seismic provisions of the most recent edition of those standards and practices that are substantially equivalent to or exceed the seismic safety level in the most recent or immediately preceding edition of the NEHRP Recommended Provisions for the Development of Seismic Regulation for New Buildings.

(b) Each of the following model codes or standards has been found to provide a level of seismic safety substantially equivalent to that provided by the use of the 1994 NEHRP Recommended Provisions and appropriate for federally assisted new building construction:

(1) 1997 International Conference of Building Officials (ICBO) Uniform Building Code. Copies are available from ICBO, Austin Regional Office, 9300 Jollyville Road, Suite 101, Austin, Texas 78759–7455.

(2) 1995 American Society of Civil Engineers (ASCE) 7, *Minimum Design Loads for Buildings and Other Structures.* Copies are available from ASCE, 345 East 47th Street, New York, New York 10017–2398.

(c) The NEHRP Recommended Provisions for the Development of Seismic Regulations for New Buildings is available from the Office of Earthquakes and Natural Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**§ 1792.104 Seismic acknowledgments.**

For each applicable building, borrowers and grant recipients must provide RUS a written acknowledgment from a registered architect or engineer responsible for the design stating that seismic provisions pursuant to § 1792.103(b) will be used in the design of the building. This acknowledgement will include the identification and date of the model code or standard that is used for the seismic design of the seismic design of the building project and the seismic factor for the building location.

Dated: December 1, 2000.

**Jill Long Thompson,**

*Under Secretary, Rural Development.*

[FR Doc. 00–31296 Filed 12–7–00; 8:45 am]

**BILLING CODE 3410–15–P**

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 11

**[Docket No. RM86–2–000]**

## Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands

November 28, 2000.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; update of Federal land use fees.

**SUMMARY:** On May 8, 1987, the Commission issued its final rule amending Part 11 of its regulations (Order No. 469, 52 FR 18201( May 14, 1987)). The final rule revised the billing procedures for annual charges for administering Part I of the Federal Power Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

In accordance with the Commission's regulations, the Commission by its designee, the Executive Director, is updating its schedule of fees for the use of government lands. The yearly update is based on the most recent schedule of fees for the use of linear rights-of-way prepared by the United States Forest Service. Since the next fiscal year will cover the period from October 1, 2000, through September 30, 2001, the fees in

this notice will become effective October 1, 2000. The fees will apply to fiscal year 2001 annual charges for the use of government lands.

The Commission has concluded, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C 804(2).

**EFFECTIVE DATE:** October 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Fannie Kingsberry,Financial Services Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 219–2885.

**SUPPLEMENTARY INFORMATION:**

**Document Availability**

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.fed.us*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

- CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.
- CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document is available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.
- RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208–2222 (E-Mail to *WebMaster@ferc.fed.us*) or the Public Reference at (202) 208–1371 (E-Mail to *public.referenceroom@ferc.fed.us*).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

**List of Subjects in 18 CFR Part 11**

Electric power, Reporting and recordkeeping requirements.

**Thomas R. Herlihy,**

*Executive Director and Chief Financial Officer.*

Accordingly, the Commission, effective October 1, 2000, amends Part 11 of Chapter I, Title 18 of the Code of Federal Regulations, as follows.

## PART 11—[AMENDED]

1. The authority citation for Part 11 continues to read as follows:

**Authority:** 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

2. In Part 11, Appendix A is revised to read as follows:

**Appendix A To Part 11—Fee Schedule for FY 2001**

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| ALABAMA | ALL COUNTIES | $25.35 |
| ARKANSAS | ALL COUNTIES | 19.02 |
| ARIZONA | APACHE | 6.32 |
| | COCHISE | |
| | GILA | |
| | GRAHAM | |
| | LA PAZ | |
| | MOHAVE | |
| | NAVAJO | |
| | PIMA | |
| | YAVAPAI | |
| | YUMA | |
| | COCONINO NORTH OF COLORADO RIVER | |
| | COCONINO SOUTH OF COLORADO RIVER | 25.35 |
| | GREENLEE | |
| | MARICOPA | |
| | PINAL | |
| | SANTA CRUZ | |
| CALIFORNIA | IMPERIAL | 12.68 |
| | INYO | |
| | LASSEN | |
| | MODOC | |
| | RIVERSIDE | |
| | SAN BERNARDINO | |
| | SISKIYOU | 19.02 |
| | ALAMEDA | 31.69 |
| | ALPINE | |
| | AMADOR | |
| | BUTTE | |
| | CALAVERAS | |
| | COLUSA | |
| | CONTRA COSTA | |
| | DEL NORTE | |
| | EL DORADO | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | FRESNO | |
| | GLENN | |
| | HUMBOLDT | |
| | KERN | |
| | KINGS | |
| | LAKE | |
| | MADERA | |
| | MARIPOSA | |
| | MENDICINO | |
| | MERCED | |
| | MONO | |
| | NAPA | |
| | NEVADA | |
| | PLACER | |
| | PLUMAS | |
| | SACRAMENTO | |
| | SAN BENITO | |
| | SAN JOAQUIN | |
| | SANTA CLARA | |
| | SHASTA | |
| | SIERRA | |
| | SOLANO | |
| | SONOMA | |
| | STANISLAUS | |
| | SUTTER | |
| | TEHAMA | |
| | TRINITY | |
| | TULARE KINGS | |
| | TUOLUMNE | |
| | YOLO | |
| | YUBA | |
| | LOS ANGELES | 38.05 |
| | MARIN | |
| | MONTEREY | |
| | ORANGE | |
| | SAN DIEGO | |
| | SAN FRANCISCO | |
| | SAN LUIS OBISPO | |
| | SAN MATEO | |
| | SANTA BARBARA | |
| COLORADO | ADAMS | 6.32 |
| | ARAPAHOE | |
| | BENT | |
| | CHEYENNE | |
| | CROWLEY | |
| | ELBERT | |
| | EL PASO | |
| | HUERFANO | |
| | KIOWA | |
| | KIT CARSON | |
| | LINCOLN | |
| | LOGAN | |
| | MOFFAT | |
| | MONTEZUMA | |
| | MORGAN | |
| | PUEBLO | |
| | SEDGEWICK | |
| | WASHINGTON | |
| | WELD | |
| | YUMA | |
| | BACA | 12.68 |
| | DOLORES | |
| | GARFIELD | |
| | LAS ANIMAS | |
| | MESA | |
| | MONTROSE | |
| | OTERO | |
| | PROWERS | |
| | RIO BLANCO | |
| | ROUTT | |
| | SAN MIGUEL | |
| | ALAMOSA | 25.35 |
| | ARCHULETA | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | BOULDER | |
| | CHAFFEE | |
| | CLEAR CREEK | |
| | CONEJOS | |
| | COSTILLA | |
| | CUSTER | |
| | DENVER | |
| | DELTA | |
| | DOUGLAS | |
| | EAGLE | |
| | FREMONT | |
| | GILPIN | |
| | GRAND | |
| | GUNNISON | |
| | HINSDALE | |
| | JACKSON | |
| | JEFFERSON | |
| | LAKE | |
| | LA PLATA | |
| | LARIMER | |
| | MINERAL | |
| | OURAY | |
| | PARK | |
| | PITKIN | |
| | RIO GRANDE | |
| | SAGUACHE | |
| | SAN JUAN | |
| | SUMMIT | |
| | TELLER | |
| CONNECTICUT | ALL COUNTIES | 6.32 |
| FLORIDA | BAKER | 38.05 |
| | BAY | |
| | BRADFORD | |
| | CALHOUN | |
| | CLAY | |
| | COLUMBIA | |
| | DIXIE | |
| | DUVAL | |
| | ESCAMBIA | |
| | FRANKLIN | |
| | GADSDEN | |
| | GILCHRIST | |
| | GULF | |
| | HAMILTON | |
| | HOLMES | |
| | JACKSON | |
| | JEFFERSON | |
| | LAFAYETTE | |
| | LEON | |
| | LIBERTY | |
| | MADISON | |
| | NASSAU | |
| | OKALOOSA | |
| | SANTA ROSA | |
| | SUWANNEE | |
| | TAYLOR | |
| | UNION | |
| | WAKULLA | |
| | WALTON | |
| | WASHINGTON | |
| | ALL OTHERS COUNTIES | 63.38 |
| GEORGIA | ALL COUNTIES | 38.05 |
| IDAHO | CASSIA | 6.32 |
| | GOODING | |
| | JEROME | |
| | LINCOLN | |
| | MINIDOKA | |
| | ONEIDA | |
| | OWYHEE | |
| | POWER | |
| | TWIN FALLS | 19.02 |
| | ADA | |
| | ADAMS | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | BANNOCK | |
| | BEAR LAKE | |
| | BENEWAH | |
| | BINGHAM | |
| | BLAINE | |
| | BOISE | |
| | BONNER | |
| | BONNEVILLE | |
| | BOUNDARY | |
| | BUTTE | |
| | CAMAS | |
| | CANYON | |
| | CARIBOU | |
| | CLARK | |
| | CLEARWATER | |
| | CUSTER | |
| | ELMORE | |
| | FRANKLIN | |
| | FREMONT | |
| | GEM | |
| | IDAHO | |
| | JEFFERSON | |
| | KOOTENAI | |
| | LATAH | |
| | LEMHI | |
| | LEWIS | |
| | MADISON | |
| | NEZ PERCE | |
| | PAYETTE | |
| | SHOSHONE | |
| | TETON | |
| | VALLEY | |
| | WASHINGTON | |
| ILLINOIS | ALL COUNTIES | 19.02 |
| INDIANA | ALL COUNTIES | 31.69 |
| KANSAS | MORTON | 12.68 |
| | ALL OTHER COUNTIES | 6.32 |
| KENTUCKY | ALL COUNTIES | 19.02 |
| LOUISIANA | ALL COUNTIES | 38.05 |
| MAINE | ALL COUNTIES | 19.02 |
| MICHIGAN | ALGER | 19.02 |
| | BARAGA | |
| | CHIPPEWA | |
| | DELTA | |
| | DICKINSON | |
| | GOGEBIC | |
| | HOUGHTON | |
| | IRON | |
| | KEWEENAW | |
| | LUCE | |
| | MACKING | |
| | MARQUETTE | |
| | MENOMINEE | |
| | ONTONAGON | |
| | SCHOOLCRAFT | |
| | ALL OTHER COUNTIES | 25.35 |
| MINNESOTA | ALL COUNTIES | 19.02 |
| MISSISSIPPI | ALL COUNTIES | 25.35 |
| MISSOURI | ALL COUNTIES | 19.02 |
| MONTANA | BIG HORN | 6.32 |
| | BLAINE | |
| | CARTER | |
| | CASCADE | |
| | CHOUTEAU | |
| | CUSTER | |
| | DANIELS | |
| | MECONE | |
| | MEAGHER | |
| | DAWSON | 6.32 |
| | FALLON | |
| | FERGUS | |
| | GARFIELD | |
| | GLACIER | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | GOLDEN VALLEY | |
| | HILL | |
| | JUDITH BASIN | |
| | LIBERTY | |
| | MUSSELSHELL | |
| | PETROLEUM | |
| | PHILLIPS | |
| | PONDERA | |
| | POWER RIVER | |
| | PRAIRIE | |
| | RICHLAND | |
| | ROOSEVELT | |
| | ROSEBUD | |
| | SHERIDAN | |
| | TETON | |
| | TOOLE | |
| | TREASURE | |
| | VALLEY | |
| | WHEATLAND | |
| | WIBAUX | |
| | YELLOWSTONE | |
| | BEAVERHEAD | 19.02 |
| | BROADWATER | |
| | CARBON | |
| | DEER LODGE | |
| | FLATHEAD | |
| | GALLATIN | |
| | GRANITE | |
| | JEFFERSON | |
| | LAKE | |
| | LEWIS & CLARK | |
| | LINCOLN | |
| | MADISON | |
| | MINERAL | |
| | MISSOULA | |
| | PARK | |
| | POWELL | |
| | RAVALLI | |
| | SANDERS | |
| | SILVER BOW | |
| | STILLWATER | |
| | SWEET GRASS | |
| NEBRASKA | ALL COUNTIES | 6.32 |
| NEVADA | CHURCHILL | 3.16 |
| | CLARK | |
| | ELKO | |
| | ESMERALDA | |
| | EUREKA | |
| | HUMBOLDT | |
| | LANDER | |
| | LINCOLN | |
| | LYON | |
| | MINERAL | |
| | NYE | |
| | PERSHING | |
| | WASHOE | |
| | WHITE PINE | |
| | CARSON CITY | 31.69 |
| | DOUGLAS | |
| | STORY | |
| NEW HAMPSHIRE | ALL COUNTIES | 19.02 |
| NEW MEXICO | CHAVES | 6.32 |
| | CURRY | |
| | DE BACA | |
| | DONA ANA | |
| | EDDY | |
| | GRANT | |
| | GUADALUPE | |
| | HARDING | |
| | HIDALGO | |
| | LEA | |
| | LUNA | |
| | MCKINLEY | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | OTERO | |
| | QUAY | |
| | ROOSEVELT | |
| | SAN JUAN | |
| | SOCORRO | |
| | TORRENCE | 12.68 |
| | RIO ARRIBA | |
| | SANDOUAL | |
| | UNION | |
| | BERNALILLO | 25.35 |
| | CATRON | |
| | CIBOLA | |
| | COLFAX | |
| | LINCOLN | |
| | LOS ALAMOS | |
| | MORA | |
| | SAN MIGUEL | |
| | SANTA FE | |
| | SIERRA | |
| | TAOS | |
| | VALENCIA | |
| NEW YORK | ALL COUNTIES | 25.35 |
| NORTH CAROLINA | ALL COUNTIES | 38.05 |
| NORTH DAKOTA | ALL COUNTIES | 6.32 |
| OHIO | ALL COUNTIES | 25.35 |
| OKLAHOMA | BEAVER | 12.68 |
| | CIMARRON | |
| | ROGER MILLS | |
| | TEXAS | |
| | LE FLORE | 19.02 |
| | MC CURTAIN | |
| | ALL OTHER COUNTIES | 6.32 |
| PENNSYLVANIA | ALL COUNTIES | 25.35 |
| OREGON | HARNEY LAKE | 6.32 |
| | MALHEUR | |
| | BAKER | 12.68 |
| | CROOK | |
| | DESCHUTES | |
| | GILLAM | |
| | GRANT | |
| | JEFFERSON | |
| | KLAMATH | |
| | MORROW | |
| | SHERMAN | |
| | UMATILLA | |
| | UNION | |
| | WALLOWA | |
| | WASCO | |
| | WHEELER | |
| | COOS | 19.02 |
| | CURRY | |
| | DOUGLAS | |
| | JACKSON | |
| | JOSEPHINE | |
| | BENTON | 25.35 |
| | CLACKAMAS | |
| | CLATSOP | |
| | COLUMBIA | |
| | HOOD RIVER | |
| | LANE | |
| | LINCOLN | |
| | LINN | |
| | MARION | |
| | MULTNOMAH | |
| | POLK | |
| | TILLAMOOK | |
| | WASHINGTON | |
| | YAMHILL | |
| PENNSYLVANIA | ALL COUNTIES | 25.35 |
| PUERTO RICO | ALL | 38.05 |
| SOUTH DAKOTA | BUTTE | 19.02 |
| | CUSTER | |
| | FALL RIVER | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | LAWRENCE | |
| | MEAD | |
| | PENNINGTON | |
| | ALL OTHER COUNTIES | 6.32 |
| SOUTH CAROLINA | ALL COUNTIES | 38.05 |
| TENNESSEE | ALL COUNTIES | 25.35 |
| TEXAS | CULBERSON | 6.32 |
| | EL PASO | |
| | HUDSPETH | |
| | ALL OTHER COUNTIES | 38.05 |
| UTAH | BEAVER | 6.32 |
| | BOX ELDER | |
| | CARBON | |
| | DUCHESNE | |
| | EMERY | |
| | GARFIELD | |
| | GRAND | |
| | IRON | |
| | JUAB | |
| | KANE | |
| | MILLARD | |
| | SAN JUAN | |
| | TOOELE | |
| | UINTAH | |
| | WAYNE | |
| | WASHINGTON | 12.68 |
| | CACHE | 19.02 |
| | DAGGETT | |
| | DAVIS | |
| | MORGAN | |
| | PIUTE | |
| | RICH | |
| | SALT LAKE | |
| | SANPETE | |
| | SEVIER | |
| | SUMMIT | |
| | UTAH | |
| | WASATCH | |
| | WEBER | |
| VERMONT | ALL COUNTIES | 25.35 |
| VIRGINIA | ALL COUNTIES | 25.35 |
| WASHINGTON | ADAMS | 12.68 |
| | ASOTIN | |
| | BENTON | |
| | CHELAN | |
| | COLUMBIA | |
| | DOUGLAS | |
| | FRANKLIN | |
| | GARFIELD | 12.68 |
| | GRANT | |
| | KITTITAS | |
| | KLICKITAT | |
| | LINCOLN | |
| | OKANOGAN | |
| | SPOKANE | |
| | WALLA WALLA | |
| | WHITMAN | |
| | YAKIMA | |
| | FERRY | 19.02 |
| | PEND OREILLE | |
| | STEVENS | |
| | CLALLAM | 25.35 |
| | CLARK | |
| | COWLITZ | |
| | GRAYS HARBOR | |
| | ISLAND | |
| | JEFFERSON | |
| | KING | |
| | KITSAP | |
| | LEWIS | |
| | MASON | |
| | PACIFIC | |
| | PIERCE | |

| STATE | COUNTY | RATE PER ACRE |
|---|---|---|
| | SAN JUAN | |
| | SKAGIT | |
| | SKAMANIA | |
| | SNOHOMISH | |
| | THURSTON | |
| | WAHKIAKUM | |
| | WHATCOM | |
| WEST VIRGINIA | ALL COUNTIES | 25.35 |
| WISCONSIN | ALL COUNTIES | 19.02 |
| WYOMING | ALBANY | 6.32 |
| | CAMPBELL | |
| | CARBON | |
| | CONVERSE | |
| | GOSHEN | |
| | HOT SPRINGS | |
| | JOHNSON | |
| | LARAMIE | |
| | LINCOLN | |
| | NATRONA | |
| | NIOBRARA | |
| | PLATTE | |
| | SHERIDAN | |
| | SWEETWATER | |
| | FREMONT | |
| | SUBLETTE | |
| | UINTA | |
| | WASHAKIE | 19.02 |
| | BIG HORN | |
| | CROOK | |
| | PARK | |
| | TETON | |
| | WESTON | |
| ALL OTHER ZONES | | 6.35 |

[FR Doc. 00–31277 Filed 12–7–00; 8:45 am]
BILLING CODE 6717–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Parts 510, 514, and 558

**[Docket No. 99N–1591]**

## Animal Drug Availability Act; Veterinary Feed Directive

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the new animal drug regulations to implement the veterinary feed directive (VFD) drugs section of the Animal Drug Availability Act of 1996 (ADAA). A VFD drug is intended for use in animal feed. Its use is permitted only under the professional supervision of a licensed veterinarian in the course of the veterinarian's professional practice. This new regulation states the requirements for distribution and use of a VFD drug and animal feed containing a VFD drug.

**DATES:** This rule is effective January 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** George Graber, Center for Veterinary Medicine (HFV–220), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6651, e-mail: ggraber@cvm.fda.gov.

**SUPPLEMENTARY INFORMATION:**

### I. Background

In the **Federal Register** of July 2, l999 (64 FR 35966), FDA proposed regulations to establish the requirements relating to distribution and use of VFD drugs and animal feeds containing VFD drugs. We provided 90 days for comment on the proposed rule.

Prior to 1996, we had only two options for regulating the distribution of animal drugs: (1) Over-the-counter (OTC), and (2) prescription. However, we determined that certain new animal drugs, vital to animal health, should be approved for use in animal feed, only if these medicated feeds were administered under a veterinarian's order and professional supervision. For example, veterinarians are needed to control the use of certain antimicrobials. This control is critical to reducing unnecessary use of such drugs in animals and to slowing or preventing any potential for the development of bacterial resistance to antimicrobial drugs. Safety concerns relating to difficulty of diagnosis of disease conditions, high toxicity, or other reasons may also dictate that the use of a medicated feed be limited to use by order and under the supervision of a licensed veterinarian.

Regulation of animal drugs for use in medicated feeds under traditional prescription systems has proven unworkable. The prescription legend invokes the application of State pharmacy laws. As a practical matter, the application of State pharmacy laws to medicated feeds would burden State pharmacy boards and impose costs on animal feed manufacturers to such an extent that it would be impractical to make these critically needed new animal drugs available for animal therapy.

After considerable deliberation with, and support from, the Coalition for Animal Health, an organization that represents major sectors of animal agriculture, and with support from State regulatory agencies, Congress enacted legislation in 1996 that amended the Federal Food, Drug, and Cosmetic Act (the act) in ways intended to facilitate the approval and marketing of new