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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 97-063-1]

Tuberculosis in Cattle and Bison; State Designation; Hawaii

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 reducing the designation of Hawaii from an accredited-free State to an accredited-free (suspended) State. We have determined that Hawaii no longer meets the criteria for designation as an accredited-free State but meets the criteria for designation as an accredited-free (suspended) State. This change is necessary to prevent the spread of tuberculosis in cattle and bison.

DATES: Interim rule effective July 11, 1997. Consideration will be given only to comments received on or before September 9, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-063-1, 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. 97-063-1. 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.

Mitchell Essey, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, Suite 3B08, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-7727.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. The tuberculosis regulations contained in 9 CFR part 77 (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 jurisdictions designated as accredited-free States, accredited-free (suspended) States, or modified accredited States. The regulations restrict the interstate movement of cattle or bison not known to be affected with or exposed to tuberculosis if those cattle or bison are moved from jurisdictions designated as nonmodified accredited States.

The status of a State is based on its freedom from evidence of tuberculosis, the effectiveness of the State's tuberculosis eradication program, and the degree of the State's compliance with the standards contained in a document captioned "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which is incorporated by reference into the regulations.

An accredited-free State, as defined in § 77.1 of the regulations, is a State that has no findings of tuberculosis in any cattle or bison in the State for at least 5 years. The State must also comply with all the provisions of the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" incorporated by reference in the regulations regarding accredited-free States.

An accredited-free (suspended) State is defined as a State with accredited-free status in which tuberculosis has been detected in any cattle or bison in the State. A State with accredited-free (suspended) status is qualified for redesignation of accredited-free status after the herd in which tuberculosis is detected has been quarantined, an epidemiological investigation has confirmed that the disease has not spread from the herd, and all reactor cattle and bison have been destroyed.

However, if tuberculosis is detected in two or more herds in the State within 48 months, the State's accredited-free status is revoked.

Before publication of this interim rule, Hawaii was designated in § 77.1 of the regulations as an accredited-free State. However, because tuberculosis has recently been confirmed in one beef herd within the State, the Administrator has determined that Hawaii no longer meets the criteria for designation as an accredited-free State, but instead meets the criteria for designation as an accredited-free (suspended) State. Therefore, we are amending the regulations by removing Hawaii from the list of accredited-free States in § 77.1 and adding it to the list of accredited-free (suspended) States in that section.

Because tuberculosis has been confirmed in only one cattle herd on one island of Hawaii, Molokai, APHIS considered adapting the regulations to establish different regions in Hawaii and to designate the island of Molokai as an accredited-free (suspended) region without affecting the status of the remainder of the State. However, revising the regulations' regulatory framework to establish regions for tuberculosis would take considerable time and would require an opportunity for public comment. APHIS may develop a proposal to do this in the future. However, due to the need for immediate action described below, we are not attempting to establish regions in Hawaii in this action.

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 necessary to change the regulations so that they accurately reflect the current tuberculosis status of Hawaii as an accredited-free (suspended) State. This will provide prospective cattle and bison buyers with accurate and up-to-date information.

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.

According to the 1992 Census of Agriculture, Hawaii has 874 cattle herds containing 191,230 cattle. Some 757 of these herds, or 87 percent, contain 200 or fewer cattle apiece and are assumed to be owned by small businesses. Changing the status of Hawaii may affect the marketability of cattle from the State, since some prospective cattle buyers prefer to buy cattle from accredited-free States. This may result in a small detrimental economic impact on some small entities, although it appears that sales of cattle from Hawaii to other States are quite small in volume. We anticipate that this action will not have a significant effect on marketing patterns in Hawaii and will therefore not have a significant effect on those small entities affected by this action.

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 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, 9 CFR part 77 is amended 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, 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, in the definition for Accredited-free state, paragraph (2) is amended by removing “Hawaii.”.

3. In § 77.1, in the definition for Accredited-free (suspended) State, paragraph (2) is amended by removing “None” and adding “Hawaii” in its place.

Done in Washington, DC, this 7th day of July 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–18205 Filed 7–10–97; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 790

Description of NCUA; Requests for Agency Action

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: Several months ago, the NCUA Board officially changed the name of the Asset Liquidation and Management Center (ALMC) to the Asset Management and Assistance Center (AMAC). A new description of the AMAC was placed in the regulations. The substitution of AMAC for ALMC is made in one section of the regulations. This is merely a housekeeping change.

DATES: Effective July 11, 1997.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

FOR FURTHER INFORMATION CONTACT:

Hattie M. Ulan, Special Counsel to the General Counsel at the above address or telephone: 703–518–6540.

SUPPLEMENTARY INFORMATION: The NCUA Board established the ALMC in July 1988, to deal with an emerging concentration of real estate assets in a limited number of troubled credit unions. The ALMC's mission and responsibilities have expanded over the years. In October of 1996, the NCUA Board changed the name of the Asset Liquidation Management Center to the Asset Management and Assistance Center. In February 1997, the NCUA Board noted the name change in the **Federal Register**. The NCUA Board also replaced the description of the duties of the ALMC with a new description of the duties of the AMAC. (See 62 FR 8155, 2/24/97.) The substitution of Asset Management and Assistance Center for Asset Liquidation Management Center is now being made in paragraph 790.2(a) of the NCUA Regulations. This paragraph sets forth the general organization of NCUA.

Regulatory Procedures

Since the amendment is merely a housekeeping change to reflect current nomenclature, none of the regulatory analyses are required.

List of Subjects in 12 CFR Part 790

Credit unions.

By the National Credit Union Administration Board on July 7, 1997.

Becky Baker,

Secretary of the Board.

Accordingly, for the reasons set out in the preamble, 12 CFR Ch. VII is amended as set forth below.

PART 790—DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTION

1. The authority citation for part 790 continues to read as follows:

Authority: 12 U.S.C. 1766, 12 U.S.C. 1789, 12 U.S.C. 1795f.

2. Amend § 790.2 by revising paragraph (a) to read as follows:

§ 790.2 Central and regional office organization.

(a) *General organization.* NCUA is composed of the Board with a Central Office in Alexandria, Virginia, six Regional Offices, the Asset Management and Assistance Center, the Community Development Revolving Loan Program, and the NCUA Central Liquidity Facility (CLF).

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[FR Doc. 97–18224 Filed 7–10–97; 8:45 am]

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