

Rules and Regulations

Federal Register

Vol. 62, No. 169

Tuesday, September 2, 1997

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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Parts 2423 and 2429

Unfair Labor Practice Proceedings: Miscellaneous and General Requirements

AGENCY: Federal Labor Relations Authority.

ACTION: Clarification of final rule.

SUMMARY: This action clarifies the effective date of the Federal Labor Relations Authority's amended regulations regarding unfair labor practice (ULP) proceedings (Part 2423) and miscellaneous and general requirements (Part 2429). The amended regulations appeared in the **Federal Register** on July 31, 1997 (62 FR 40911). Those regulations showed an effective date of October 1, 1997. However, section 2423.1 of the amended regulations stated that the amended regulations were applicable to "any complaint filed on or after October 1, 1997," while the supplementary information regarding that section stated that "October 1, 1997 is the effective date of subparts B, C, and D of this part." By this document, the Federal Labor Relations Authority clarifies that subpart B of part 2423 applies to all complaints filed after the October 1, 1997 effective date. Subparts C and D of part 2423 and all revisions to part 2429 apply to all ULP complaints pending after October 1, 1997, regardless of when the complaints were filed.

EFFECTIVE DATE: October 1, 1997.

ADDRESSES: Office of Case Control, Federal Labor Relations Authority, 607 14th Street, N.W., Washington, D.C. 20424-0001.

FOR FURTHER INFORMATION CONTACT: Peter Constantine, Office of Case Control, at the address listed above or by telephone # (202) 482-6540.

Dated: August 27, 1997.

Solly Thomas,
Executive Director, Federal Labor Relations Authority.

[FR Doc. 97-23238 Filed 8-29-97; 8:45 am]

BILLING CODE 6727-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

[FV-96-703IFR]

Potato Research and Promotion Plan; Suspension of Portions of the Plan; Amendments of the Regulations Regarding Importers' Votes; and Clarification of Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule will suspend portions of the Potato Research and Promotion Plan (Plan) that require National Potato Promotion Board (Board) members be nominated at meetings, suspends obsolete provisions in the Plan, amends the rules and regulations issued under the Plan to provide for mail balloting as an alternative means of selecting nominees for appointment, permits importer members of the Board to vote on the basis of the volume of imported potatoes, and provides in the rules and regulations that designated handlers must report to the Board those potatoes of their own production for which the assessment has been paid by another designated handler.

DATES: Effective September 3, 1997. Comments must be received by November 3, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule to: Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, STOP Code 0244, 1400 Independence Avenue, SW, Washington, DC 20250-0244, fax (202) 205-2800. Three copies of all written material should be submitted. Comments will be made available for public inspection at the Research and Promotion Branch during

regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Georgia C. Abraham, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, STOP Code 0244, 1400 Independence Avenue, SW, Washington, DC 20250-0244; telephone (202) 720-5057 or (888) 720-9917 (toll free).

SUPPLEMENTARY INFORMATION: This rule is issued under the Potato Research and Promotion Plan (Plan) [7 CFR Part 1207]. The Plan is authorized by the Potato Research and Promotion Act, as amended [7 U.S.C. 2611-2627], hereinafter referred to as the Act.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 311 of the Act, a person subject to a plan may file a petition with the Secretary of Agriculture (Secretary) stating that such plan, any provision of such plan, or any obligation imposed in connection with such plan is not in accordance with law; and requesting a modification of the plan or an exemption from the plan. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary will rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*]

(RFA), the Agency is required to examine the impact of this rule on small entities. Accordingly, we have performed this initial regulatory flexibility analysis.

According to data from the 1992 *Census of Agriculture*, published by the Department of Commerce, there are approximately 6,744 potato producers who grow potatoes on 5 or more acres and are thus subject to the provisions of the Plan. Of these, approximately 4,817 potato producers may be classified as small agricultural producers. Small agricultural producers are defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$500,000. Therefore, the majority of potato producers may be classified as small entities.

According to data from the Board, there are an estimated 1,511 potato handlers, 334 importers of potatoes and potato products for human consumption, and 27 importers of seed potatoes who are subject to the provisions of the Plan. Small agricultural service firms are defined by the Small Business Administration [13 CFR 121.601] as those whose annual receipts are less than \$5 million. For the purpose of this analysis, it is concluded that the majority of potato handlers and importers are small entities.

According to data from USDA's National Agricultural Statistics Service (NASS), potato production in the United States for 1996 totaled 497 million hundredweight (cwt). Idaho leads the U.S. in the production of potatoes with 28.2 percent of this total, followed by Washington with 19.1 percent. Colorado, Oregon, Wisconsin, and North Dakota each produce about 6 percent of the total U.S. production. Other major producing states in 1996 were Minnesota (4.9 percent), Maine (4.3 percent), Michigan (2.8 percent), and California (3.1 percent). Florida, New York, and Nebraska each produced between 1 and 2 percent of total U.S. production, and all other states produced less than 1 percent each.

Using preliminary data from NASS that shows an average U.S. farm price for potatoes in 1996 was \$5.11 per cwt., the value of the 1996 U.S. potato crop is estimated at \$2.54 billion.

Exports of all types of potatoes and potato products during 1996 totaled approximately 39 million cwt. on a fresh-weight basis. East Asia and the Pacific Rim countries are the largest market for frozen potatoes and frozen french fries, while Canada is the largest market for exports of U.S. tablestock and seed potatoes.

Imports of tablestock, seed potatoes, and processed potatoes (frozen, canned, chips, etc.) for 1996 totaled 24 million cwt. on a fresh-weight basis. Tablestock, seed potatoes, and frozen potato products accounted for about 93 percent of the total value of potato imports, and over 99 percent of these items came from Canada.

The Board administers a national program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position and to maintain and expand domestic and foreign markets for potatoes and potato products. The program is financed by assessments on producers of 5 or more acres of potatoes (collected by the first handler) and on all imported fresh or processed potatoes for human consumption and seed potatoes (collected by the U.S. Customs Service). The Secretary has oversight responsibility for the Board's activities. There are currently 107 Board members—102 producers; 4 importers; and 1 public member—who are appointed by the Secretary to serve a 3-year term on the Board. Approximately one-third of the members' terms of office expire each year on the last day of February.

This action will suspend portions of the Plan and amend the rules and regulations issued under the Plan.

The suspension of portions of the Plan will eliminate the requirement that industry members be nominated for appointment to the Board only at meetings of producers or importers. The rules issued under the Plan are also being amended to provide mail balloting as an alternative means of selecting nominees for appointment.

The Plan currently requires nominations for producer and importer members be submitted to USDA by November 1 of each year for appointments to be made by the Secretary by March 1 of the following year. In order to provide the largest number of producers an opportunity to participate, nomination meetings are typically held in conjunction with meetings of state or local potato or vegetable industry organizations, usually late in the fall after harvesting. However, in many cases, this places nomination meetings close to or after the November 1 deadline for submitting nominations to USDA. Additionally, in some states, potato production may be in widely separated locations, posing a hardship for growers to attend meetings. In some cases, growers must travel several hundred miles and incur the expense of an overnight stay in order to participate in a nomination meeting. In

these cases, attendance at meetings has suffered.

Nomination meetings for importer members have been conducted by the Board at its office in Denver, Colorado. Although Denver is a central location for this meeting, all importers have had to fly to Denver to attend a 1-hour meeting.

For several years, the Board has discussed this problem with USDA. At its January 1997 meeting, the Board's Administrative Committee, acting on behalf of the Board, voted to recommend to USDA that action be taken to suspend portions of the Plan and to amend the rules and regulations to permit members of the potato industry the flexibility to choose the manner of nominating candidates for appointment. Providing the option of a mail ballot for nominating candidates will provide an opportunity for a greater number of industry members to participate in the nomination process. In some cases, the burden and expense for producers to travel long distances to attend a nomination meeting will be eliminated. Permitting an optional means of nominating importer members will also eliminate the time and expense currently incurred for importers to participate in these meetings. Additionally, nomination activity will not have to be coupled with industry meetings, thus permitting the nomination process to take place early enough that the nominees' applications for appointment can be forwarded to USDA well before the November 1 deadline.

If these changes are not made, producers and importers will continue to incur financial and time loss to attend and participate in nomination meetings, and attendance at these meetings will continue to suffer.

The second amendment to the rules and regulations will permit importer members of the Board to vote on the basis of the volume of imported potatoes, processed potato products, and seed potatoes in the same manner as producer members of the Board vote on the basis of domestic potato production. Since the program's inception, the Plan has permitted producer members to call for a vote by the production of each State. In the 1990 Farm Bill, Congress amended the Act to, along with other changes, include imported potatoes and potato products for human consumption and seed potatoes under the program's provisions. When the Plan and rules and regulations were amended to conform with the amended Act, a provision permitting importers to vote on the basis of the volume of imported

potatoes was inadvertently omitted. In production votes taken by the Board since imports were included in the program's provisions, importers have voted the volume of potato imports on a fresh-weight basis.

This amendment will correct the oversight and include provisions in the regulations to reflect the procedure currently in practice. Importers' votes carry the same proportional weight as producers' votes and will result in equitable treatment of importers.

The third amendment will specify in the rules and regulations that the designated handlers of potatoes must report to the Board those potatoes of their own production for which the assessment has been paid by another first handler.

The regulations currently require designated handlers of potatoes to report and pay assessments on the potatoes of someone else's production that they handle. In some cases, designated handlers are also producers, and the assessment for their potato production may be paid by another designated handler. For example, a processor who purchases field-run potatoes is considered the designated handler and is responsible for reporting to the Board and paying assessments on those potatoes even though the producer may also be a designated handler who is also submitting reports and assessments to the Board. In order for the Board to assure that all handling has been reported and assessments have been paid and credited to the producer, the Board must be able to cross-reference the handling of potatoes on the reports of both designated handlers.

The authority for this information collection exists in § 1207.350 of the Plan. It is necessary to provide in the text of the regulation concerning designated handlers' reporting responsibilities that designated handlers must report to the Board those potatoes of their own production for which the assessment has been paid by another designated handler. The information collection burden and the form used to collect the information on handling of potatoes have been reviewed and approved by the Office of Management and Budget (OMB) under approval number 0581-0093. The 1-hour-per-response burden currently approved includes the time necessary for designated handlers to provide information on assessments paid by another designated handler on the reporting form submitted no more often than monthly. This information is readily available from the confirmation each designated handler is required to

provide to producers on the amount of assessments paid on their behalf.

In addition, this rule suspends obsolete provisions in the Plan referring to meetings, nomination of the initial Board, and references to importer organizations.

As with all Federal research and promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

This rule permits importer members of the Board to vote on the basis of the volume of imported potatoes. This revision will not affect the estimated burden on potato growers or designated handlers.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

The changes contained in this action suspend obsolete provisions in the Plan, provide for alternative means of nominating candidates for appointment to the Board, provide importer members a vote by volume at meetings, and clarify handlers' reporting requirements. These changes will enhance the efficiency of the operation of the potato research and promotion program, and will reduce the financial burden on industry members when nominating candidates for appointment by the Secretary. Accordingly, we believe that these revisions are the best alternatives to facilitate the nomination process, provide for importer voting by production, and to clarify handlers' reporting requirements.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*]. The information collection and recordkeeping requirements related to this action were previously approved by the Office of Management and Budget (OMB) under number 0581-0093.

Eliminating the requirement that industry members be nominated to serve on the Board at meetings and providing the alternative of mail balloting will be less burdensome, overall, for potato producers and importers, but the information collection burden remains the same. When nominations are conducted by mail ballot rather than at a meeting, the nomination ballot will be completed and mailed instead of being turned in at a meeting.

The second amendment to the rules and regulations will permit importer members of the Board to vote on the

basis of the volume of imported potatoes, processed potato products, and seed potatoes in the same manner as producer members of the Board vote on the basis of domestic potato production. This amendment will correct an oversight and include provisions in the regulations to reflect procedures currently in practice. Importers' votes carry the same proportional weight as producers' votes and will result in equitable treatment of importers. There is no burden associated with importers voting at board meetings.

The third amendment provides in the rules and regulations that designated handlers must report to the Board those potatoes of their own production for which the assessments have been paid by another handler. The information collection burden and the form used to collect information on handling of potatoes have been reviewed and approved by the OMB under approval number 0581-0093. The 1-hour-per-response burden currently approved includes designated handlers providing information on assessments paid by another designated handler on the reporting form submitted no more often than monthly.

The form requires the minimum information necessary to effectively carry out the requirements of the program, and its use is necessary to fulfill the intent of the Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the promotion Board. The forms are simple, easy to understand, and place as small a burden as possible on the person required to file the information. This action will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers.

Background

This action suspends portions of the Plan and amends three sections of the rules and regulations issued under the Plan.

The suspension of portions of the Plan will eliminate the requirement that industry members be nominated for appointment to the Board only at a meeting of producers or importers. Other obsolete provisions of the Plan will also be suspended. The rules issued under the Plan will also be amended to provide an alternative means of selecting nominees for appointment such as by a mail ballot of the industry.

The Plan requires nominations for producer and importer members be

submitted to USDA by November 1 of each year for appointments to be made by the Secretary by March 1 of the following year. In order to provide the largest number of producers an opportunity to participate, nomination meetings are typically held in conjunction with meetings of state or local potato or vegetable industry organizations, usually after harvesting. However, this places nomination meetings close to or after the November 1 deadline for submitting nominations to USDA. Additionally, in some states, potato production may be in widely separated locations, posing a hardship for a grower—in some cases traveling several hours and incurring the cost of an overnight trip—in order to participate in a nomination meeting.

In the case of importer nominations, the Plan provided that the Board could call upon organizations of potato, potato products, and/or seed potato importers to assist in nominating importers for appointment to the Board. This provision was intended to allow importers the opportunity to nominate importer members from their own membership. However, no such organizations have been found to exist, and the Board has conducted importer nomination meetings in Denver. Importers must therefore travel to Denver for nomination meetings.

For several years, the Board has discussed this problem with USDA. At its January 1997 meeting, the Board's Administrative Committee, acting on behalf of the Board, voted to recommend to USDA that action be taken to suspend portions of the Plan and to amend the rules and regulations to permit members of the potato industry the flexibility to choose the manner of nominating candidates for appointment in a manner that would provide for the ability for a greater number of industry members to participate in the nomination process with less of a burden.

In order to do this, this action suspends wording referring to meetings in § 1207.322 of the Plan. Paragraph (a) of § 1207.322 deals only with nomination of the initial Board and is thus obsolete. Therefore, paragraph (a) is suspended in its entirety. References to meetings are suspended in paragraphs (b) and (c).

Also, because no organizations of potato importers exist, references to importer organizations are unnecessary and will be suspended in § 1207.322(d).

In addition, references in § 1207.503 of the rules and regulations to meetings and importer organizations have been removed and amendments made to this section to provide the option of mail

balloting to nominate producers and importers for appointment to the Board.

A second amendment to the rules and regulations deals with importers being able to vote on the basis of the volume of the fresh-weight equivalent of imported potatoes and potato products for human consumption and seed potatoes in the same manner that producer members can vote on the basis of potato production within each State.

One of the 1990 Farm Bill amendments to the Act [7 U.S.C. 2611 *et seq.*] extended the Act's coverage to imported potatoes, potato products, and seed potatoes and provided for importer representation on the Board. When the Plan and rules and regulations issued under the Plan were subsequently amended in 1991 to conform with the amended Act, a provision permitting importer members to vote on the basis of the volume of imported product was inadvertently overlooked. From the program's inception, § 1207.325 of the Plan authorized producer members of the Board to call for a production vote in which the Board members from each State are allocated votes based on that State's fresh potato production (i.e., one vote for each 1 million hundredweight of potatoes).

In production votes taken by the Board since imports were included in the program's provisions, importers have voted the volume of potato imports on a fresh-weight basis. At its March 1996 annual meeting, the Board voted to amend the rules and regulations to correct this oversight by amending § 1207.505 to provide the same voting rights as afforded to producer members.

The third amendment provides in the rules and regulations that designated handlers must report to the Board those potatoes of their own production for which the assessments have been paid by another designated handler.

Section 1207.350(a) of the Plan provides authority for the Board to prescribe in the regulations the information designated handlers must report in order for the Board to perform its duties, and this information is set forth in § 1207.513 of the regulations. Some designated handlers are also potato producers and, in some cases, the assessment for their potato production may be paid by another designated handler. For example, a processor who purchases field-run potatoes is considered the designated handler and is responsible for reporting to the Board and paying assessments on those potatoes even though the producer may also be a designated handler who is also submitting reports and paying assessments to the Board. In order for the Board to assure that all handling has

been reported and assessments have been paid and credited to the producer, the Board must be able to cross-reference the handling of potatoes on the reports of both handlers. Since § 1207.513 of the regulations does not specifically state that designated handlers must report to the Board those potatoes of their own production for which the assessments have been paid by another designated handler, it is necessary to amend this section to provide that handlers must report to the Board those potatoes of their own production for which the assessment has been paid by another first handler. Therefore, this action amends § 1207.513 of the regulations to provide for this reporting.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board, it is hereby found that the suspended sections of the plan no longer tend to effectuate the declared policy of the Act. In addition, it is found that the amendments to the rules and regulations are necessary for the appropriate administration of the Plan and the rules and regulations and that they are consistent with the intention of the Act.

All written comments received in response to this rule by the date specified herein will be considered prior to finalizing this action.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action suspends obsolete and unnecessary provisions of the Plan and clarifies provisions in the regulations; (2) in addition, a time and travel burden upon potato producers and importers will continue to be imposed if they are not provided the option to nominate candidates for appointment to the Board by mail ballots rather than only at meetings; (3) nominations for the term of office beginning on March 1, 1998, will begin soon; (4) a 60-day period is provided to allow interested parties to comment prior to finalization; and (5) no useful purpose would be served by a delay of the effective date.

List of Subjects in 7 CFR Part 1207

Advertising, Agricultural research, Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1207 is amended as follows:

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

1. The authority citation for 7 CFR part 1207 continues to read as follows:

Authority: 7 U.S.C. 2611–2627.

§ 1207.322 [Amended]

2. Section 1207.322 is amended by suspending:

- (A) Paragraph (a) in its entirety,
 - (B) In paragraph (b), the words “at meetings” in the first sentence and the entire last sentence,
 - (C) In paragraph (c), the entire last sentence, and
 - (D) In paragraph (d), the entire last two sentences of the introductory text and paragraphs (d)(1) through (5).
3. In § 1207.503, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1207.503 Nominations.

(a) Pursuant to § 1207.322 of the plan, the Board shall assist producers in producing sections or States each year to nominate producer members for the Board. Such nominations may be conducted at meetings or by mail ballots. One individual shall be nominated for each position to become vacant. A list of nominees shall be submitted to the Secretary for consideration by November 1 of each year.

(b) Pursuant to § 1207.322 of the plan, the Board shall assist importers each year to nominate importer members for the Board. Such nominations may be conducted at meetings or by mail ballots.

(c) Nomination meetings or mail balloting shall be well publicized with notice given to producers, importers, and the Secretary at least 10 days prior to each meeting or mailing of ballots.

* * * * *

4. Section 1207.505 is revised to read as follows:

§ 1207.505 Procedure.

(a) The procedure for conducting the Board's meetings shall be in accordance with the bylaws adopted by the Board on June 7, 1972, and approved by the Secretary and any subsequent amendments adopted by the Board and approved by the Secretary.

(b) Each importer member shall be entitled to not less than one vote. Importer members shall also be entitled to one additional vote for each 1 million hundredweight, or major fraction thereof, on a fresh-weight basis, of imported tablestock potatoes, potato

products, or seed potatoes, as determined by data on imports provided by the U.S. Department of Agriculture. The casting of such votes shall be determined by the importer members.

5. In § 1207.513, paragraph (c)(2) is revised to read as follows:

§ 1207.513 Payment of assessments.

* * * * *

(c) * * *

(2) All designated handlers, including a designated handler whose own production is handled and assessments to the Board paid by another designated handler, shall report to the Board:

- (i) Date of report (which is also date of payment to the Board).
- (ii) The name and address of the designated handler;
- (iii) The period potatoes were handled;
- (iv) The total quantity of potatoes determined to be assessable during the period potatoes were handled, pursuant to § 1207.511.

* * * * *

Dated: August 26, 1997.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 97–23307 Filed 8–28–97; 12:10 p.m.]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 94 and 96

[Docket No. 97–002–2]

Change in Disease Status of Italy, Except the Island of Sardinia, Because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are declaring Italy, with the exception of the island of Sardinia, free of African swine fever because there have been no confirmed outbreaks of African swine fever in Italy, except on the island of Sardinia, since 1983. This action will relieve certain restrictions on the importation into the United States of pork and pork products, including swine casings, from all regions of Italy except Sardinia. However, because hog cholera and swine vesicular disease exist in Italy, and because Italy, as a member state of the European Union, has certain trade practices regarding live swine and pork and pork products that are less restrictive than are acceptable to

the United States, the importation into the United States of live swine and pork and pork products from Italy will continue to be subject to certain restrictions.

EFFECTIVE DATE: September 17, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1231, (301) 734–8695; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease, bovine spongiform encephalopathy, swine vesicular disease, hog cholera, and African swine fever (ASF). These are dangerous and destructive communicable diseases of ruminants and swine.

On June 12, 1997, we published in the **Federal Register** (62 FR 32051–32053, Docket No. 97–002–1) a proposal to amend the regulations to declare Italy, with the exception of the island of Sardinia, free of ASF. In that document, we noted that because hog cholera and swine vesicular disease exist in Italy, and because Italy, as a member state of the European Union, has certain trade practices regarding live swine and pork and pork products that are less restrictive than are acceptable to the United States, the importation into the United States of live swine and pork and pork products from Italy would continue to be subject to certain restrictions. We further proposed to amend §§ 94.8 and 96.2 to include the words “or part of a country” after references to “a country” or “any country” affected with ASF so that the regulations in those sections would remain accurate in light of the proposal to recognize less than the entire country of Italy as free of ASF. We also proposed to make two nonsubstantive editorial changes to the regulations in part 94.

We solicited comments concerning our proposal for a 60-day period ending on August 11, 1997. We received two comments by that date. The comments we received were from two foreign meat processor associations and supported the proposed rule.

Therefore, based on the rationale set forth in the proposed rule, we are