

Rules and Regulations

Federal Register

Vol. 62, No. 204

Wednesday, October 22, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 78

[Docket No. 96-041-3]

Interstate Movement of Livestock; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule published in the **Federal Register** on May 22, 1997, and effective June 23, 1997, we amended the regulations governing the interstate movement of livestock by combining the provisions for the approval of livestock markets for cattle and bison, horses, and swine into a single section. We also removed the regulations that restrict the movement of swine and swine products from areas quarantined for hog cholera and the regulations that provide for the payment of compensation to the owners of swine destroyed because of hog cholera. Since the publication of the final rule, three issues arising from omissions or a lack of clarity in the final rule have been brought to our attention. We are publishing this technical amendment to resolve those issues.

DATES: This amendment is effective October 22, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, Surveillance and Animal Identification Team, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-5970; or E-mail: jdavis@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In a proposed rule published in the **Federal Register** on October 31, 1996 (61 FR 56155-56165, Docket No. 96-041-1), we proposed to amend the regulations regarding the interstate movement of livestock by combining the provisions for the approval of livestock markets for cattle and bison, horses, and swine into a single section. In the same document, we proposed to remove the regulations that restrict the movement of swine and swine products from areas quarantined for hog cholera and that provide for the payment of compensation to the owners of swine destroyed because of hog cholera.

In a final rule published in the **Federal Register** on May 22, 1997 (62 FR 27930-27937, Docket No. 96-041-2), and effective June 23, 1997, we adopted the provisions of the proposed rule as a final rule with certain specified changes that were based on comments received in response to the proposed rule. Since the publication of the final rule, three issues arising from omissions or a lack of clarity in the final rule have been brought to our attention. We are publishing this technical amendment to resolve those issues, each of which is explained below.

Animal Identification

In the May 1997 final rule, we provided for the use of premises identification numbers to identify livestock. When used alone, a premises identification number will allow an animal to be traced back to its farm or premises of origin. That degree of traceback specificity is sufficient for certain classes of livestock, such as slaughter swine and feeder swine. However, a premises identification number can also be combined with a producer's own livestock production numbering system to provide a unique identification number for an animal. Such unique individual identification is necessary for other classes of livestock, such as breeder swine, which often require follow-up testing after being moved interstate.

Unique animal identification is most often provided through the use of official eartags, and in our May 1997 final rule, we amended the definition of *official eartag* to provide for the use of premises identification numbers on official eartags. In amending that

definition, we failed to specify that a premises identification number must be combined with a producer's livestock production numbering system to provide animal-specific, rather than just premises-specific, identification if that number is to be used on an official eartag. In this document, therefore, we have amended the definition of *official eartag* in §§ 71.1 and 78.1 to clarify that an official eartag bearing a premises identification number must provide a unique identification number. We have also amended § 71.19(b), which lists the means of swine identification approved by the Administrator, to make it clear that a "regular" premises identification number (i.e., a premises-specific number) is approved for the identification of slaughter swine and feeder swine, the two classes of swine that, as noted above, do not require animal-specific identification for interstate movement.

Pseudorabies Provisions

In the May 1997 final rule, we added pseudorabies to the list in § 71.3(a) of diseases considered to be endemic to the United States; that paragraph concludes by stating that animals affected with those endemic diseases shall not be moved interstate. However, paragraph (c) of § 71.3 provides for the interstate movement of animals affected with certain diseases if the animals are moved in accordance to our specific regulations that provide for such interstate movement. Specific regulations do exist that provide for the movement of swine affected with pseudorabies, but we neglected to note those regulations in § 71.3(c) when we added pseudorabies to the list in § 71.3(a). Therefore, in this document we have added a new paragraph § 71.3(c)(4), which reads "Swine infected with or exposed to pseudorabies may be moved interstate in accordance with part 85 of this chapter."

Approved Livestock Facilities for Swine

When we developed the single livestock market approval agreement in § 71.20 to replace the five agreements that had been located in parts 75, 76, and 78, it was our intent to eliminate duplication while retaining any necessary species-specific provisions. With regard to the approval of livestock markets for swine, we stated in our

October 1996 proposed rule that we would incorporate the provisions of § 76.18, "Approval of Livestock Markets," into the single agreement in § 71.20 with four exceptions, three of which were related to the now-removed hog cholera regulations and one that dealt with recordkeeping. We have found that we failed to include one of the disease prevention requirements of § 76.18—i.e., that the pens, alleys, and sales rings for holding, inspecting, and otherwise handling swine in an approved market for swine must be imperviously surfaced—when we incorporated the agreement from § 76.18 into the single agreement in § 71.20. To correct that omission, we have amended the swine-specific provisions of the approved livestock facility agreement in § 71.20(a) to restore the impervious surface requirement.

List of Subjects

9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 78

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

Accordingly, 9 CFR parts 71 and 78 are amended as follows:

PART 71—GENERAL PROVISIONS

1. The authority citation for part 71 continues to read as follows:

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 71.1, the definition of *official eartag* is revised to read as follows:

§ 71.1 Definitions.

* * * * *

Official eartag. An identification eartag approved by APHIS as being tamper-resistant and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Eartagging System, or it may bear a valid premises identification number that is used in conjunction with the producer's livestock production numbering system to provide a unique identification number.

* * * * *

3. In § 71.3, a new paragraph (c)(4) is added to read as follows:

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

* * * * *

(c) * * *

(4) Swine infected with or exposed to pseudorabies may be moved interstate in accordance with part 85 of this chapter.

* * * * *

4. In § 71.19, paragraph (b)(7) is revised to read as follows:

§ 71.19 Identification of swine in interstate commerce.

* * * * *

(b) * * *

(7) For slaughter swine and feeder swine, an eartag or tattoo bearing the premises identification number assigned by the State animal health official to the premises on which the swine originated.

* * * * *

5. In § 71.20, paragraph (a), in the sample agreement, paragraphs (15)(ii) through (15)(v) are redesignated as paragraphs (15)(iii) through (15)(vi) and a new paragraph (15)(ii) is added to read follows:

§ 71.20 Approval of livestock facilities.

(a) * * *

(15) * * *

(ii) Pens, alleys, and sales rings for holding, inspecting, and otherwise handling swine shall be imperviously surfaced.

* * * * *

PART 78—BRUCELLOSIS

6. 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).

7. In § 78.1, the definition of *official eartag* is revised to read as follows:

§ 78.1 Definitions.

* * * * *

Official eartag. An identification eartag approved by APHIS as being tamper-resistant and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Eartagging System, or it may bear a valid premises identification number that is used in conjunction with the producer's livestock production numbering system to provide a unique identification number.

* * * * *

Done in Washington, DC, this 14th day of October 1997.

Craig M. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–27953 Filed 10–21–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 95–032F]

RIN 0583–AB93

Elimination of Prior Approval Requirements for Establishment Drawings and Specifications, Equipment, and Certain Partial Quality Control Programs; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final rule (Docket No. 95–032F) which was published Monday, August 25, 1997 (62 FR 45016). The final rule concerned the elimination of prior approval requirements for establishment drawings and specifications, equipment, and certain partial quality control programs.

EFFECTIVE DATE: October 22, 1997.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, FSIS, Room 402 Annex Building, Washington DC 20250–3700; (202) 205–0699.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of these corrections eliminates requirements for establishments applying for inspection to submit to FSIS multiple sets of drawings and specifications of facilities for the preparation of meat or poultry products. The final rule also eliminates requirements for Agency prior approval of equipment and utensils to be used in preparing edible product and of most partial quality control programs used for the control of food processing or for other purposes.

Need for Correction

As published, the final rule contained errors rendering the regulatory text inconsistent with the preamble explanation.

Correction of Publication

Accordingly, the publication on August 25, 1997, of the final rule (Docket No. 95–032F), which was the subject of FR Doc. 97–21882, is corrected as follows:

§ 318.4 [Corrected]

Paragraph 1. On page 45025, in the second column, in § 318.4, in the