

has waived its review process required by Executive Order 12866.

This interim rule relieves restrictions on the interstate movement of regulated articles from a portion of Hillsborough County, FL.

Within the previously quarantined portion of Hillsborough County, FL, there are approximately 125 entities that will be affected by this rule. All would be considered small entities. These include 1 transportation terminal, 75 fruit stands, 15 mobile vendors, 20 food stores, 1 common carrier, and 13 nurseries. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of Florida. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate was minimized by the availability of various treatments that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost.

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 inconsistent 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 new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 301.93–3, paragraph (c), the entry for Florida is removed.

Done in Washington, DC, this 7th day of October 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–27001 Filed 10–14–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 97–118–2]

Change in Disease Status of Luxembourg Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that added Luxembourg to the list of regions where bovine spongiform encephalopathy exists. We took this action because bovine spongiform encephalopathy was detected in a cow in Luxembourg. The effect of the interim rule was to prohibit the importation of ruminants that have been in Luxembourg and meat, meat products, and certain other products of ruminants that have been in Luxembourg. The interim rule was necessary to reduce the risk that bovine spongiform encephalopathy could be introduced into the United States.

EFFECTIVE DATE: The interim rule became effective on December 2, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Animal Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3399; or e-mail: john.w.cougill@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective December 2, 1997, and published in the **Federal**

Register on December 17, 1997 (62 FR 65999–66001, Docket No. 97–118–1), we amended the regulations in 9 CFR part 94 by adding Luxembourg to the list in § 94.18 of regions where bovine spongiform encephalopathy (BSE) exists. We took this action because BSE was detected in a cow born in Luxembourg.

Comments on the interim rule were required to be received on or before February 17, 1998. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866 and 12988 and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the regulations by adding Luxembourg to the list of regions where BSE exists. We took this action because BSE was detected in a cow in Luxembourg. The effect of the interim rule was to prohibit the importation of ruminants that have been in Luxembourg and meat, meat products, and certain other products of ruminants that have been in Luxembourg. The interim rule was necessary to reduce the risk that BSE could be introduced into the United States.

The following analysis addresses the economic effect of this rule on small entities, as required by the Regulatory Flexibility Act.

BSE is a slowly progressing, fatal, degenerative disease that affects the central nervous system of cattle. The disease was first diagnosed in 1986 in Great Britain, where it is sometimes called “mad cow disease.” Infected animals may display changes in temperament, abnormal posture, incoordination and difficulty in rising, decreased milk production, and loss of body condition despite continued appetite. The causative agent of BSE is not completely characterized, and there is no treatment for the disease. At this time, the disease is not known to exist in the United States. There is no vaccine to prevent BSE nor is there a test to detect the disease in live animals. Given these factors, the import restrictions imposed by the interim rule are the most effective means available for ensuring that BSE does not enter the United States from Luxembourg.

Preventing the introduction of BSE into the United States is critical. In

addition to the potential threat to public health, BSE also has the potential to cause severe economic hardship for the U.S. livestock industry. Great Britain's experience with the disease provides an insight into how damaging BSE can be to livestock. Between November 1986 (when BSE was first diagnosed in Great Britain) and May 1996, an estimated 160,540 head of cattle in approximately 33,455 herds were diagnosed with BSE in Great Britain. The epidemic peaked there in January 1993, with almost 1,000 new cases per week. All of the animals in Great Britain showing signs of BSE, most of which were dairy cows between 3 and 5 years of age, were destroyed.

If BSE were introduced into the United States, livestock losses would likely be much greater than in Great Britain, because the United States raises more cattle. However, assuming the same number of cattle losses in the United States as in Great Britain (160,540), the introduction of BSE into the United States would cost U.S. livestock producers \$189 million, based on the current price of \$1,180 per head for dairy cows. The \$189 million figure does not include higher production costs that would likely be incurred by U.S. producers, due to the presence of the disease.

U.S. export and consumer markets would also be affected. The United States currently restricts the importation of live ruminants and ruminant products from all regions where BSE is known to exist and from regions that present an undue risk of introducing BSE into the United States due to import requirements less restrictive than those that would be acceptable for import into the United States and/or because of inadequate surveillance. Presumably, if BSE were introduced into the United States, other regions would adopt similar restrictions on the exportation of live ruminants and ruminant products from the United States. Such restrictions by other regions would be devastating economically. In 1997, for example, the dollar value of U.S. exports of both bovine animals and bovine animal meat totaled \$3.1 billion. Those export sales could be lost in their entirety. Consumers would incur higher costs due to higher prices for ruminant products and increased prices for competitive products, such as poultry.

We expect that restricting the importation of live ruminants and ruminant products from Luxembourg will have little or no effect on U.S. consumers. No ruminants were imported into the United States from Luxembourg in 1996. This is compared with U.S. imports of nearly 2 million

cattle alone in the same year. There were no imports into the United States of fresh sheep or goat meat from Luxembourg in 1994, 1995, or 1996. Further, there were no imports into the United States of canned beef, sausage, and other prepared and preserved beef and veal from Luxembourg in 1996.

Placing Luxembourg on the list of regions where BSE is known to exist also restricts the importation of bones, products made from bone meal, blood meal, meat meal, offal, fat, glands, and serum from ruminants from this country. Little effect should be associated with any of these restrictions. Further, the importation into the United States of any pet or animal feed from Luxembourg that may contain ruminant products is restricted as a result of this action. Since the U.S. imported no animal feed from Luxembourg in 1994, 1995, or 1996, we expect that there will be very little or no effect on U.S. consumers as a result of this restriction.

Because Luxembourg is not a significant supply source for the U.S. market, restrictions on imports from Luxembourg should not have a significant effect on consumer prices in the United States.

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.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 94 and that was published at 62 FR 65999–66001 on December 17, 1997.

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 8th day of October 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 97–115–2]

Change in Disease Status of Belgium Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that added Belgium to the list of regions where bovine spongiform encephalopathy exists. We took this action because bovine spongiform encephalopathy was detected in a cow in Belgium. The effect of the interim rule was to prohibit the importation of ruminants that have been in Belgium and meat, meat products, and certain other products of ruminants that have been in Belgium. The interim rule was necessary to reduce the risk that bovine spongiform encephalopathy could be introduced into the United States.

EFFECTIVE DATE: The interim rule became effective on October 31, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. John Coughill, Staff Veterinarian, Animal Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3399; or e-mail: john.w.coughill@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective October 31, 1997, and published in the **Federal Register** on November 18, 1997 (62 FR 61433–61434, Docket No. 97–115–1), we amended the regulations in 9 CFR part 94 by adding Belgium to the list in § 94.18 of regions where bovine spongiform encephalopathy (BSE) exists. We took this action because BSE was detected in a cow born in Belgium.

Comments on the interim rule were required to be received on or before January 20, 1998. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.