

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 91

[Docket No. 96-005-1]

#### Cattle Exportations; Tuberculosis and Brucellosis Test Requirements

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations concerning exportation of livestock by eliminating requirements for pre-export diagnostic tests for tuberculosis and brucellosis in certain cattle being exported from the United States directly to slaughter. Slaughter cattle affected will be those exported from States free of brucellosis or tuberculosis and those exported to countries that have a disease surveillance system equivalent to that of the United States and that agree to share with the United States any findings of brucellosis or tuberculosis in U.S. origin cattle. We believe that these test requirements can be eliminated without compromising the integrity of our brucellosis and tuberculosis surveillance systems. This rule will facilitate the movement of U.S. slaughter cattle to foreign countries.

**DATES:** Interim rule effective February 15, 1996. Consideration will be given only to comments received on or before April 23, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 96-005-1, 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. 96-005-1. 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. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-3294.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 91, "Inspection and Handling of Livestock for Exportation" (referred to below as the regulations), prescribe conditions for exporting animals from the United States. Section 91.5 requires, among other things, that cattle intended for exportation be tested for tuberculosis and brucellosis. We are amending the regulations to remove these testing requirements for cattle exported directly to slaughter in a foreign country, if the receiving country has a disease surveillance system equivalent to that of the United States, as determined by the Administrator of the Animal and Plant Health Inspection Service (APHIS), and if the receiving country agrees to share any findings of brucellosis or tuberculosis in U.S. origin cattle with APHIS. Also, we are amending the regulations to remove these testing requirements for any cattle moving directly to slaughter from a State designated as free of tuberculosis or brucellosis in 9 CFR 77.1 or 78.41, respectively.

Currently, all cattle exported from the United States, including cattle shipped directly to slaughter, must be tested for brucellosis and tuberculosis. Testing ensures that any diseased cattle will be detected and prevented from leaving the United States. Additionally, detection of disease in any cattle intended for export would alert APHIS to the possible presence of disease in the herd of origin, and allow us to take action to contain and eradicate the disease.

Cattle moving directly to slaughter present a negligible risk of transmitting either brucellosis or tuberculosis to other cattle. Although we would still want the cattle tested to ensure that we have information about any possible

source of these diseases in the United States, the tests could be conducted in the receiving country, if that country has a disease surveillance system equivalent to that of the United States, as determined by the Administrator, APHIS, and the country agrees to share any findings of tuberculosis and brucellosis with APHIS. Further, cattle intended for export directly to slaughter from a Class Free State for brucellosis or an Accredited-Free State for tuberculosis would present a negligible risk of carrying brucellosis or tuberculosis, respectively. Therefore, we believe it is unnecessary to require testing, prior to export, for brucellosis if the cattle are moved directly from a Class Free State for brucellosis, or for tuberculosis if the cattle are moved directly from an Accredited-Free State for tuberculosis.

The primary effect of this rule would be on cattle moved directly to slaughter in Mexico and Canada. Nearly all cattle exported for slaughter are exported to Mexico and Canada. The Administrator has determined that Canada has a surveillance system for both tuberculosis and brucellosis that is equivalent to that of the United States, and Canada will share any findings of tuberculosis and brucellosis in U.S. origin cattle with APHIS. The Administrator also has determined that Mexico has a surveillance system for tuberculosis that is equivalent to that of the United States, and Mexico will share any findings of tuberculosis in U.S. origin cattle with APHIS. Mexico is still developing a brucellosis surveillance system, so cattle moving directly to slaughter in Mexico will continue to require brucellosis tests, unless they are moving from a Class Free State, as designated in 9 CFR 78.41.

#### Miscellaneous

We are making minor editorial changes for clarity and consistency.

#### 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. This rule will relieve restrictions on the exportation of slaughter cattle by removing certain pre-export testing requirements. U.S. cattle exporters will benefit economically if the restrictions are removed in time for them to take

advantage of current favorable marketing conditions. In addition, State veterinary officials from all four States bordering Mexico—Arizona, California, New Mexico, and Texas—have requested that we make these changes to facilitate the export of slaughter cattle, as we have other means to obtain the test results.

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

This rule relieves restrictions and is, therefore, expected to have a favorable economic impact on small entities. The need to make this rule effective in time for U.S. exporters of slaughter cattle to take advantage of a favorable marketing situation makes timely compliance with sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. The final rule for this action will include an analysis of the economic impact of this rule on small entities and will address any comments we receive on the economic impact of the rule on 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 12778

This rule has been reviewed under Executive Order 12778, 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 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, and Transportation.

Accordingly, 9 CFR part 77 is amended as follows:

### PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 136, 136a, 612, 613, 614, and 618; 46 U.S.C. 466a and 466b; 49 U.S.C. 1509(d); 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 91.5 is amended as follows:

a. By revising paragraph (a) to read as set forth below.

b. By revising paragraph (b) to read as set forth below.

c. In paragraph (c), the first sentence, by adding a comma after the words "foreign country".

#### § 91.5 Cattle.

\* \* \* \* \*

(a) *Tuberculosis*. All cattle over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus six hours) after injection as prescribed in Veterinary Services Memorandum 552.15 "Instructions and Procedures for Conducting Tuberculin Tests in Cattle," section VIII A.<sup>2</sup>

(1) *Provided that*, such tests are not required for any of the following:

(i) Cattle exported directly to slaughter in a country that has a tuberculosis surveillance system equivalent to that of the United States, as determined by the Administrator, and that agrees to share any findings of tuberculosis in U.S. origin cattle with APHIS; and

(ii) Cattle exported directly to slaughter from a State designated as an Accredited-Free State in 9 CFR 77.1.

(2) The Administrator has determined that the following countries have a tuberculosis surveillance system that is

<sup>2</sup> Copies of this publication may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Riverdale, Maryland 20737-1231.

equivalent to that of the United States: Canada and Mexico.

(b) *Brucellosis*. All cattle over 6 months of age shall be negative to a test for brucellosis conducted as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis"<sup>2</sup> or "Supplemental Test Procedures for the Diagnosis of Brucellosis."<sup>2</sup>

(1) *Provided that*, such tests are not required for any of the following:

(i) Official vaccinates of dairy breeds under 20 months of age;

(ii) Official vaccinates of beef breeds under 24 months of age;

(iii) Steers and spayed heifers;

(iv) Cattle exported directly to slaughter in a country that has a brucellosis surveillance system equivalent to that of the United States, as determined by the Administrator, and that agrees to share any findings of brucellosis in U.S. origin cattle with APHIS; and

(v) Cattle exported directly to slaughter from a State designated as a Class Free State in 9 CFR 78.41.

(2) The Administrator has determined that the following country has a brucellosis surveillance system that is equivalent to that of the United States: Canada.

\* \* \* \* \*

#### § 91.8 [Amended]

3. In § 91.8, footnote 4 and its reference are redesignated as footnote 3.

Done in Washington, DC, this 15th day of February 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-4148 Filed 2-22-96; 8:45 am]

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### FEDERAL RESERVE SYSTEM

#### 12 CFR Part 211

[Regulation K; Docket No. R-0862]

#### International Banking Operations

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** Section 202(e)(7) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA or Act) provides that the Board, in consultation with the Treasury, develop and publish criteria to be used in evaluating the operations of any foreign bank in the United States that the Board has determined is not subject to comprehensive supervision or