

e. The defined term *Registered cattle, bison, or cervids*, and in the text of the definition.

4. In § 50.1, in the definition of *Reactor cattle, bison, and cervids*, the last sentence, the word "Cervids" is removed and the words "Captive cervids" are added in its place.

§ 50.2 [Amended]

5. In § 50.2, the word "captive" is added before the word "cervids".

§ 50.3 [Amended]

6. In § 50.3, the word "captive" is added before the word "cervids" in the following places:

a. Paragraph (a), in the heading and in the text.

b. Paragraph (b), in the heading and in the text each time it appears.

c. Paragraph (c), in the heading and in the text each time it appears.

7. In § 50.3, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to read as follows:

§ 50.3 Payment to owners for animals destroyed.

(d) *Suspect cattle, bison, and captive cervids*. The Administrator may authorize the payment of Federal indemnity to owners of cattle, bison, and captive cervids destroyed because of tuberculosis not to exceed \$450 for any animal that has been classified as a suspect in accordance with § 50.4(c) when it has been determined by the Administrator that the destruction of the suspect cattle, bison, or captive cervids will contribute to the Tuberculosis Eradication Program; but the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal: *Provided, however*, that payment of indemnity for the destruction of suspect cattle, bison, and captive cervids will be withheld until the tuberculosis status of the suspect has been determined and, if the cattle, bison, or captive cervid is found to be infected with tuberculosis, all cattle, bison, and captive cervids 2 years of age or over in the claimant's herd have been tested for tuberculosis under APHIS or State supervision.

8. In § 50.4, the word "captive" is added before the word "cervids" in the following places:

a. Paragraph (a).

b. Paragraph (b), the introductory text, each time it appears.

c. Paragraph (b)(3).

9. In § 50.4, the heading is revised and a new paragraph (c) is added to read as follows:

§ 50.4 Classification of cattle, bison, and captive cervids as affected, exposed, or suspect.

(c) Cattle and bison are classified as suspects for tuberculosis based on a positive response to an official tuberculin test, in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" (incorporated into the regulations by reference in part 77). Captive cervids are classified as suspects for tuberculosis in the same manner as cattle and bison.

§ 50.5 [Amended]

10. In § 50.5, the word "captive" is added before the word "cervid".

§ 50.6 [Amended]

11. In § 50.6, the word "captive" is added before the word "cervids" in the following places:

a. The introductory text.

b. Paragraph (d), in the heading and in the text each time it appears.

c. Paragraph (e), in the heading and in the text each time it appears.

§ 50.7 [Amended]

12. In § 50.7, in paragraphs (a) and (b), the word "captive" is added before the word "cervids".

§ 50.8 [Amended]

13. In § 50.8, the heading is revised to read "Payment of expenses for transporting and disposing of affected, exposed, and suspect animals."

14. In § 50.8, the phrase "affected or exposed cattle, bison, and cervids" is removed both times it appears and the phrase "affected, exposed, or suspect cattle, bison, and captive cervids" is added in its place.

§ 50.9 [Amended]

15. In § 50.9, the word "captive" is added before the word "cervids" each time it appears.

§ 50.10 [Amended]

16. In § 50.10, the word "captive" is added before the word "cervids".

§ 50.11 [Amended]

17. In § 50.11, the word "captive" is added before the word "cervids" each time it appears.

§ 50.12 [Amended]

18. In § 50.12, the word "captive" is added before the word "cervids" each time it appears.

19. In § 50.14, the word "captive" is added before the word "cervids" in the following places:

a. The introductory text.

b. Paragraph (d), each time it appears.

c. Paragraph (e), the introductory text, each time it appears.

d. Paragraph (e)(2)(i).

e. Paragraph (e)(2)(ii).

f. Paragraph (f).

20. In § 50.14, paragraph (b) is revised to read as follows:

§ 50.14 Claims not allowed.

(a) * * *

(b) If all cattle, bison, and captive cervids 2 years of age or over in the claimant's herd have not been tested for tuberculosis under APHIS or State supervision: *Provided, however*, that:

(1) Cattle, bison, and captive cervids destroyed because of tuberculosis under § 50.3(b) or (c) are exempt from this requirement if the cattle, bison, or captive cervids are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian; and

(2) Cattle, bison, and captive cervids destroyed because of tuberculosis under § 50.3(d) are exempt from this requirement if the cattle, bison, or captive cervids are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian and found not to have tuberculosis.

Done in Washington, DC, this 17th day of June 1998.

Charles Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-16747 Filed 6-23-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98-068-1]

Brucellosis in Cattle; State and Area Classifications; Louisiana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Louisiana from Class Free to Class A. We have determined that Louisiana no longer meets the standards for Class Free status. This action imposes certain restrictions on the interstate movement of cattle from Louisiana.

DATES: Interim rule effective June 16, 1998. Consideration will be given only to comments received on or before August 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-068-1, 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. 98-068-1. 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. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-7709; or e-mail: rrollo@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis reactors found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring

of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Louisiana was classified as a Class Free State because there had been no known brucellosis in cattle in Louisiana for at least 12 consecutive months. However, as of May of 1998, two cattle herds in Louisiana were identified as infected with brucellosis.

To attain and maintain Class A status, a State or area must (1) not exceed a cattle herd infection rate, due to field strain *Brucella abortus*, of 0.25 percent or 2.5 herds per 1,000 based on the number of reactors found within the State during any 12 consecutive months, except in States with 10,000 or fewer herds; (2) trace to the farm of origin at least 90 percent of all brucellosis reactors found in the course of MCI testing; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12 consecutive month period immediately prior to the most recent anniversary of the date the State or area was classified Class A; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating a source herd or recipient herd.

After reviewing the brucellosis program records for Louisiana, we have concluded that this State meets the standards for Class A status. Therefore, we are removing Louisiana from the list of Class Free States or areas in § 78.41(a) and adding it to the list of Class A States or areas in § 78.41(b). This action imposes certain restrictions on the interstate movement of cattle from Louisiana.

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 warranted to prevent the interstate spread of brucellosis.

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

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Louisiana from Class Free to Class A increases testing requirements governing the interstate movement of cattle. However, testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Louisiana, as well as buyers and importers of cattle from this State.

There are an estimated 18,000 cattle herds in Louisiana that will be affected by this rule. Over 95 percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified brucellosis-free herds must be tested for brucellosis under Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, the change to Class A status would cost approximately \$4 per head.

Therefore, we believe that changing the brucellosis status of Louisiana will not have a significant economic impact on the small entities affected by this interim rule.

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 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 Subject in 9 CFR Part 78

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

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. 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).

§ 78.41 [Amended]

2. In § 78.41, paragraph (a) is amended by removing “Louisiana,”.

3. In § 78.41, paragraph (b) is amended by adding “Louisiana,” immediately before “Mississippi,”.

Done in Washington, DC, this 16th day of June 1998.

Charles Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–16749 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 78**

[Docket No. 98–061–1]

Validated Brucellosis-Free States; Oklahoma

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of swine by adding Oklahoma to the list of validated

brucellosis-free States. We have determined that Oklahoma meets the criteria for classification as a validated brucellosis-free State. This action relieves certain restrictions on the interstate movement of breeding swine from Oklahoma.

DATES: Interim rule effective June 24, 1998. Consideration will be given only to comments received on or before August 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–061–1, 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. 98–061–1. 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. Arnold Taft, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–4916.

SUPPLEMENTARY INFORMATION:**Background**

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*. The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), prescribe conditions for the interstate movement of cattle, bison, and swine.

Under the swine brucellosis regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for swine are based upon the disease status of the individual animal or the herd or State from which the animal originates.

We are amending § 78.43 of the regulations, which lists validated brucellosis-free States, to include Oklahoma. A State may apply for validated brucellosis-free status when: (1) Any herd found to have swine brucellosis during the 2-year qualification period preceding the application has been depopulated. More than one finding of a swine brucellosis-infected herd during the qualification period disqualifies the State from validation as brucellosis-free; and (2) during the 2-year qualification period, the State has completed surveillance,

annually, by either complete herd testing, market swine testing, or statistical analysis.

Breeding swine originating from a validated brucellosis-free State or herd may be moved interstate without having been tested with an official test for brucellosis within 30 days prior to interstate movement, which would otherwise be required.

After reviewing its brucellosis program records, we have concluded that Oklahoma meets the criteria for classification as a validated brucellosis-free State. Therefore, we are adding Oklahoma to the list of States in § 78.43. This action relieves certain restrictions on the interstate movement of breeding swine from Oklahoma.

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 warranted to remove unnecessary restrictions on the interstate movement of swine from Oklahoma.

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.

This action removes the requirement that breeding swine be tested for brucellosis prior to movement interstate from Oklahoma.

Ninety-nine percent of swine herd producers in Oklahoma are small businesses (defined by the Small Business Administration as having annual gross receipts of less than \$500,000). Currently, these small producers have about 100,000 adult swine tested annually for brucellosis, at a cost to producers of approximately \$5 per test. We are not able to determine exactly how many of these tests are