

9. Section 1464.14 is amended by adding paragraph (f) to read as follows:

§ 1464.14 Fire-cured (types 22–23) tobacco.

* * * * *

(f) The 1998-crop national price support level is 168.1 cents per pound.

10. Section 1464.15 is amended by changing in the heading “types 22–23” to “types 35–36” and by adding paragraph (f) to read, in the amended section, as follows:

§ 1464.15 Dark air-cured (types 35–36) tobacco.

* * * * *

(f) The 1998-crop national price support level is 145.0 cents per pound.

11. Section 1464.16 is amended by adding paragraph (f) to read as follows:

§ 1464.16 Virginia sun-cured (type 37) tobacco.

* * * * *

(f) The 1998-crop national price support level is 136.0 cents per pound.

12. Section 1464.17 is amended by adding paragraph (f) to read as follows:

§ 1464.17 Cigar-filler and binder (types 42–44 and 53–55) tobacco.

* * * * *

(f) The 1998-crop national price support level is 121.2 cents per pound.

Signed at Washington, DC, on March 24, 1999.

Keith Kelly,

Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 99–7799 Filed 3–30–99; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98–060–2]

Brucellosis; Procedures for Retaining Class Free State Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the brucellosis regulations to allow a State to retain its Class Free status following the detection of an affected herd if the State meets certain conditions. These conditions, which include quarantining, testing, and depopulating the affected herd and conducting an investigation to ensure that brucellosis has not spread from the affected herd, will allow a

State to avoid losing its Class Free status due to an isolated case of infection being detected in the State. We believe that providing this option to States will encourage the prompt resolution of isolated cases of brucellosis and thus ensure the continued progress of State and Federal efforts toward the eradication of brucellosis in domestic cattle and bison herds. Without this change in the regulations, a State could lose its Class Free status following the detection of a single affected herd and will not have as great an incentive to take swift and decisive action to determine the source of the infection, eliminate the affected herd, and ensure that the disease had not spread to other herds in the State.

EFFECTIVE DATE: April 30, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*. In its principal animal hosts, brucellosis is characterized by abortion and impaired fertility.

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 (areas) according to the rate of *Brucella abortus* infection present and the general effectiveness of the brucellosis control and eradication program conducted in the State or area. 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 may be placed under Federal quarantine. At this point in the cooperative State/Federal brucellosis eradication program, all States have achieved either Class Free or Class A status.

To maintain Class Free status, the regulations require, among other things, that a State must have a herd infection rate of 0.0 percent or 0 herds per 1,000. A State's herd infection rate is based on the number of herds found to have brucellosis reactors within the State during any 12 consecutive months due to field strain *Brucella abortus*. The required 0.0 percent herd infection rate means that a Class Free State would no longer qualify for Class Free status if a single brucellosis-affected herd was detected in the State. A downgrade in status from Class Free to Class A results

in increased costs for States and their livestock owners, with most of those added costs arising from the increased testing requirements that accompany Class A status.

On September 17, 1998, we published in the **Federal Register** (63 FR 49670–49673, Docket No. 98–060–1) a proposed rule to amend the brucellosis regulations to allow a State to retain its Class Free status following the detection of a single affected herd if the State met certain conditions. As described in the proposed rule, those conditions, which include quarantining, testing, and depopulating the affected herd and conducting an investigation to ensure that brucellosis has not spread from the affected herd, would allow a State to avoid losing its Class Free status due to an isolated case of infection being detected in the State.

We solicited comments concerning our proposal for 60 days ending on November 2, 1998. We received five comments by that date. They were from a State office of Federal land policy, a State game and fish agency, a State livestock board, a veterinary medical association, and a national milk producers association. All five commenters supported the proposed rule, although three of them asked for clarification of the following points:

Applicability. Two commenters asked that we clearly state that the provisions of the proposed rule would apply only to domestic livestock and not to wildlife.

The commenters' understanding of the applicability of these provisions is correct. The conditions that would have to be met for a State to retain its Class Free status—i.e., quarantining, testing, and depopulating the affected herd and investigating all adjacent, source, and contact herds to ensure the disease has not spread from the affected herd—simply could not be practically applied to wildlife. The provisions of this rule are applicable only to situations where a herd of domestic livestock in a Class Free State is found to be affected.

Start of the 60-day period. Because a State would be given 60 days following the identification of an infected animal to complete the requirements for retaining Class Free status, one commenter asked that we clearly define the phrase “identification of the infected animal.” This commenter pointed out that in some cases, a reactor classification test occurs in which organisms cannot be cultured to differentiate whether Strain 19 or field strain *Brucella abortus* is involved, and those cases must be resolved by an epidemiological investigation. The commenter suggested that the 60-day

period should not begin until an investigation determines that an animal is infected with the field strain of *Brucella abortus* and is not reacting to an official brucellosis test due to its having been vaccinated with a Strain 19 vaccine.

The commenter's understanding of when the 60-day period would begin is correct. If an animal reacts to an official brucellosis test and we are able to determine, through culturing, that the animal is infected with field strain *Brucella abortus*, then the 60-day period would begin on the date of that laboratory confirmation. If culturing proves inconclusive and an investigation is necessary to resolve the case, then the 60-day period would not begin until the date that the investigating epidemiologist reports that the animal is a *Brucella abortus* reactor. If further investigation leads the epidemiologist to conclude that the animal is a Strain 19 associated reactor, the herd will not be considered an affected herd. To make this clearer, we have changed new paragraph § 78.1(b)(4) in this final rule so that it uses the words "within 60 days of the date an animal in the herd is determined to be infected" rather than "within 60 days of the identification of the infected animal."

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule with the changes discussed in this document.

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.

Producers and consumers have realized great financial savings from the success of the cooperative State/Federal brucellosis eradication program. Annual losses from lowered milk production, aborted calves and pigs, and reduced breeding efficiency have decreased from more than \$400 million in 1952 to less than \$1 million today. Studies indicate that if the brucellosis eradication program efforts were stopped, the costs of producing beef and milk could increase by an estimated \$80 million annually in less than 10 years with the gradual spread of brucellosis.

This rule amends the brucellosis regulations to allow a State to retain its Class Free status following the detection of an affected herd if the State meets certain conditions. These conditions, which include depopulating the affected

herd and taking measures to ensure that brucellosis has not spread from the affected herd, will allow a State to avoid losing its Class Free status due to an isolated case of infection being detected in the State.

The entities potentially affected by this rule are the 43 States, Puerto Rico, and the U.S. Virgin Islands that currently hold Class Free status and the producers of livestock in those States and territories. The total number of cattle and bison in the United States was approximately 101.4 million in 1997, and was valued at about \$53.2 billion. There were 1,167,910 U.S. operations with cattle and bison in 1997. Over 97 percent of these operations are considered to be small entities, with gross cash value of less than \$500,000 each (USDA, National Agricultural Statistics Service, "Agricultural Statistics 1997," Washington, DC, 1997).

Allowing a State to retain its Class Free status under certain conditions can be expected to have an overall positive economic effect for several reasons. First, when a State's status is upgraded from Class A to Class Free, the State realizes a cost savings through the reduction in the required level of brucellosis ring test (BRT) surveillance. The BRT must be conducted in a Class A State or area at least four times per year at approximately 90-day intervals, with all herds producing milk for sale in the State being required to be included in at least three of the four brucellosis ring tests conducted each year. When a State attains Class Free status, the level of BRT surveillance is lowered to two brucellosis ring tests per year for each herd producing milk for sale in the State. Thus, allowing a State to retain its Class Free status will enable the State to avoid the added testing and personnel costs associated with the higher level of BRT surveillance required of Class A States.

Second, allowing a State to retain its Class Free status will mean that herd owners in the State can continue to avoid the costs of pre-movement testing of their test-eligible cattle and bison. In a Class A State, test-eligible cattle and bison offered for sale interstate from other than certified-free herds must test negative for brucellosis prior to movement. Because that testing is not required for test-eligible cattle and bison in Class Free States, herd owners in a State allowed to retain its Class Free status under the provisions of this rule will continue to be able to move their cattle or bison interstate without incurring the approximately \$3.25 per-head cost of testing.

Finally, in those cases in which a brucellosis-affected herd is depopulated in order for a State to retain its Class Free status, the costs of that depopulation may be largely offset through the payment of Federal indemnity for the destroyed animals. Under the brucellosis indemnity regulations in 9 CFR part 51, any owner whose herd of cattle or bison is destroyed because of brucellosis is eligible for the payment of Federal indemnity. The rate of indemnity is set as either: (1) The appraised value of each animal, minus its salvage value; or (2) a fixed rate of no more than \$250 per animal for bison and nonregistered cattle other than dairy cattle and \$750 per animal for registered cattle and nonregistered dairy cattle.

Class Free States will not be required to pursue the option offered by this rule for retaining Class Free status following the detection of a brucellosis-affected herd. However, we believe that the economic benefits that a State can realize by taking action to avoid being downgraded to Class A status will far outweigh the costs of the herd depopulation, epidemiological investigation, and testing that will be required to retain Class Free status.

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 been 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 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 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and

recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 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).

2. In § 78.1, in the definition of *Class Free State or area*, a new paragraph (b)(4) is added to read as follows:

§ 78.1 Definitions.

* * * * *

Class free State or area. * * *

(b) * * *

(4) *Retaining Class Free status.* (i) If a single herd in a Class Free State is found to be affected with brucellosis, the State may retain its Class Free status if it meets the conditions of this paragraph. A State may retain its status in this manner only once during any 2-year period. The following conditions must be satisfied within 60 days of the date an animal in the herd is determined to be infected:

(A) The affected herd must be immediately quarantined, tested for brucellosis, and depopulated; and

(B) An epidemiological investigation must be performed and the investigation must confirm that brucellosis has not spread from the affected herd. All herds on premises adjacent to the affected herd (adjacent herds), all herds from which animals may have been brought into the affected herd (source herds), and all herds that may have had contact with or accepted animals from the affected herd (contact herds) must be epidemiologically investigated, and each of those herds must be placed under an approved individual herd plan. If the investigating epidemiologist determines that a herd blood test for a particular adjacent herd, source herd, or contact herd is not warranted, the epidemiologist must include that determination, and the reasons supporting it, in the individual herd plan.

(ii) After the close of the 60-day period following the date an animal in the herd is determined to be infected, APHIS will conduct a review to confirm that the requirements of paragraph (b)(4)(i) have been satisfied and that the State is in compliance with all other applicable provisions.

* * * * *

Done in Washington, DC, this 24th day of March 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–7804 Filed 3–30–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98–097–2]

Brucellosis in Cattle; State and Area Classifications; Mississippi

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 amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Mississippi from Class A to Class Free. We have determined that Mississippi meets the standards for Class Free status. The interim rule relieved certain restrictions on the interstate movement of cattle from Mississippi.

EFFECTIVE DATE: The interim rule became effective on October 7, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–7709; or e-mail: reed.t.rollo@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on October 7, 1998 (63 FR 53780–53781, Docket No. 98–097–1), we amended the brucellosis regulations in 9 CFR part 78 by removing Mississippi from the list of Class A States or areas in § 78.41(b) and adding it to the list of Class Free States or areas in § 78.41(a).

Comments on the interim rule were required to be received on or before December 7, 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 Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 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.

List of Subjects in 9 CFR Part 78

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

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 63 FR 53780–53781 on October 7, 1998.

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).

Done in Washington, DC, this 24th day of March 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–7802 Filed 3–30–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–87–AD; Amendment 39–11097; AD 99–07–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, that requires repetitive inspections to detect cracking of certain lower lobe fuselage frames, and repair, if necessary. This amendment is prompted by reports indicating that fatigue cracks were found in lower lobe frames on the left side of the fuselage. The actions specified by this AD are intended to detect and correct fatigue cracking of certain lower lobe fuselage frames, which could lead to fatigue cracks in the fuselage skin, and consequent rapid decompression of the airplane.

DATES: Effective May 5, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director