

Proposed Rules

Federal Register

Vol. 67, No. 80

Thursday, April 25, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 01–095–1]

Brucellosis: Testing of Rodeo Bulls

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the brucellosis regulations by eliminating the annual brucellosis testing requirement for rodeo bulls moving interstate between brucellosis Class Free States. Since other cattle moving between Class Free States are not required to be tested for brucellosis, this requirement for rodeo bulls moving between such States is more restrictive than the requirements for other test-eligible cattle. This action would update our brucellosis regulations by making the requirements for moving rodeo bulls more consistent with those for moving other test-eligible cattle between Class Free States.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by June 24, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–095–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–095–1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and “Docket No. 01–095–1” on the subject line.

You may read any comments that we receive on this docket in our reading

room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

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, subpart B (referred to below as the regulations) restrict the interstate movement of cattle in order to prevent the spread of brucellosis.

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 State's brucellosis 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 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 or reclassification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

Currently, the regulations at § 78.14 require rodeo bulls moving interstate to be tested for brucellosis once every 365 days. However, the regulations in § 78.14 do not take into account the classification of the States from which

or into which the rodeo bulls are being moved.

Since cattle being moved from a Class Free State are not required to be tested for brucellosis, this requirement for rodeo bulls moving between such States is more restrictive than the requirements for other test-eligible cattle. The annual testing requirement for all rodeo bulls was considered necessary at the time the current regulations were established because brucellosis was more prevalent in the United States at that time than it is now. Rodeo bulls, owing to the peripatetic nature of the rodeo industry, move between States more frequently than do other cattle and thus were more likely to be shipped to or from Class A, B, or C States at a time when more States held those classifications. In recent years, however, the number of Class Free States has increased to the point where 48 of the 50 States now qualify as brucellosis Class Free, greatly reducing the risk of brucellosis transmission via interstate movement of rodeo bulls. Therefore, we propose to update our brucellosis regulations by eliminating the annual testing requirement for rodeo bulls moving between Class Free States, while retaining the testing requirement for rodeo bulls that are moved interstate into or from States that are not Class Free. This proposed change would make the requirements for moving rodeo bulls more consistent with the requirements for moving other test-eligible cattle between Class Free States.

Executive Order 12866 and Regulatory Flexibility Act

This proposed 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 proposed rule would amend the brucellosis regulations in § 78.14 by eliminating the annual brucellosis testing requirement for rodeo bulls moving interstate in cases where the bulls are being moved only between brucellosis Class Free States.

This proposed rule would primarily affect stock contractors who raise and supply bulls for rodeo events. More specifically, this rule would affect stock contractors who are located in States other than Texas and Missouri—the only two States not currently classified

as Class Free States—and who do not move their bulls interstate to Texas and Missouri. The number of stock contractors who fall into this category, as well as the total number stock contractors nationally, is unknown.

Those stock contractors who move their bulls interstate only between Class Free States would realize a cost savings of about \$25 to \$30 per animal per year (*i.e.*, the cost of a brucellosis test and associated veterinary fees). Thus, a stock contractor with 20 bulls would see a savings of about \$500 to \$600 per year in testing expenses.

While stock contractors are not specifically categorized in the Small Business Administration's (SBA) table of small business size standards, they could be considered under either Subsector 112 of that table (Animal Production), which has a small entity threshold of \$750,000, or Subsector 711 (Performing Arts, Spectator Sports and Related Industries), which has a small entity threshold of \$6 million in annual sales. According to the National Agricultural Statistics Service, over 99 percent of all operations raising cattle and calves (\$750,000 threshold) are small entities, while large operations account for less than 1 percent. Therefore, it is likely that most, if not all, stock contractors would be considered small entities under SBA size standards.

Given that the potential savings per animal in foregone testing costs (\$25 to \$30) can be expected to make up only a small percentage of the total expenses associated with maintaining a rodeo bull (*e.g.*, feed and routine veterinary care), the potential economic impact of this proposed rule is expected to be small.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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 proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this

rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no 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 propose to amend 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continue 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 371.4.

2. Section 78.14 would be amended by revising paragraph (a)(1) to read as follows:

§ 78.14 Rodeo bulls.

(a) * * *

(1) The bull is classified as brucellosis negative based upon an official test conducted less than 365 days before the date of interstate movement: *Provided, however,* That the official test is not required for a bull that is moved only between Class Free States;

* * * * *

Done in Washington, DC, this 17th day of April, 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–10110 Filed 4–24–02; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL ELECTION COMMISSION

11 CFR Part 111

[Notice 2002–5]

Administrative Fines

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing amendments to its administrative fines regulations to reduce the civil money penalties for those who file reports late or who do not file them at all. The amendments also create additional levels-of-activity brackets and broaden others within the current schedules of penalties, clarify the Commission's rules

on notifying respondents of reason to believe findings and final determinations, and make certain technical amendments to its rules. The Commission is also seeking public comments on: whether it should revise its current method of calculating civil money penalties to exclude some or all non-federal receipts and disbursements from the level of activity that forms the basis for the civil money penalties; and whether it should revise the rules to clarify what will be considered unacceptable defenses to reason to believe determinations. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before May 28, 2002.

ADDRESSES: All comments should be addressed to Ms. Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up to insure legibility. Electronic mail comments should be sent to adminfines2002@fec.gov. Persons sending comments by electronic mail must include their full name, electronic mail address and postal service address within the text of their comments. Comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Dawn M. Odrowski, Staff Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is seeking public comments on proposed revisions to 11 CFR part 111, subpart B, which would: (1) Reduce the levels of civil money penalties in the fine schedules set forth in 11 CFR 111.43(a) and (b); (2) create additional levels-of-activity brackets and broaden some existing brackets within those schedules; (3) clarify that all notifications and other communications to respondents in the administrative fines program will be made by mailing them to a political committee's address as listed in the committee's most recently filed Statement of Organization or amendment thereto; and (4) change the citations to the U.S. Department of Treasury and Department of Justice regulations governing debt collection procedures to conform with amendments made to those regulations