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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. APHIS–2011–0005]

Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States

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

DATES: This interim rule is effective on May 19, 2011. We will consider all comments that we receive on or before July 18, 2011.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2011-0005> to submit or view comments

- and to view supporting and related materials available electronically.

- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2011–0005, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2011–0005.

Reading Room: 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.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Troy Bigelow, Swine Health Programs, Aquaculture, Swine, Equine, and Poultry Programs, National Center for Animal Health Programs, VS, APHIS, 210 Walnut Street, Room 891, Des Moines, IA 50309; (515) 284–4121.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease caused by bacteria of the genus *Brucella*. The disease mainly affects cattle, bison, and swine, but goats, sheep, horses, and even humans are susceptible. In its principal animal hosts, it causes loss of young through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. There is no economically feasible treatment for brucellosis in livestock. In humans, brucellosis initially causes flu-like symptoms, but the disease may develop into a variety of chronic conditions, including arthritis. Humans can be treated for brucellosis with antibiotics.

The brucellosis regulations in 9 CFR part 78 (referred to below as the regulations) contain specific provisions for cattle, bison, and swine. Under the regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for animals are based upon the disease status of the individual animals or the herd or State from which the animal originates.

We are amending § 78.43 of the regulations, which lists validated swine brucellosis-free States, to include Texas. A State may apply for validated brucellosis-free status when:

- 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

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

Immediate Action

Immediate action is warranted to remove restrictions that are no longer necessary on the interstate movement of swine from Texas. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. The full analysis may be viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing

Regulations.gov) or obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The interim rule will benefit Texas swine producers who sell non-slaughter boars and sows interstate (other than those Texas swine farms that already have validated brucellosis-free herds). They will be able to forgo testing costs that are equivalent to between 1 and 2 percent of the average value of a breeding sow. The extent to which a particular operation will benefit from the interim rule will depend upon the number of non-slaughter sows and boars moved interstate.

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) Has no retroactive effect and (2) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim 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 are amending 9 CFR part 78 as follows:

PART 78—BRUCELOSIS

■ 1. The authority citation for part 78 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 78.43 [Amended]

■ 2. Section 78.43 is amended by adding, in alphabetical order, the word “Texas,”.

Done in Washington, DC, this 13th day of May 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–12320 Filed 5–18–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 95

[Docket No. APHIS–2006–0113]

RIN 0579–AC11

Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule that was published in the **Federal Register** on December 15, 2009, and effective on January 14, 2010, we amended the regulations governing the importation of animal byproducts to, among other things, provide specific conditions under which deer and other ruminant hides and skins from Mexico could be imported into the United States in order to protect U.S. livestock from the introduction of bovine babesiosis. It was our intent to indicate that deer and ruminant hides and skins from Mexico may not go to an approved establishment upon importation into the United States rather than comply with the specific conditions established in the final rule. This document corrects that error.

DATES: *Effective Date:* May 19, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Tracey Butler, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737–1231; (301) 734–7476.

SUPPLEMENTARY INFORMATION:

Background

In a final rule that was published in the **Federal Register** on December 15, 2009 (74 FR 66222–66227, Docket No. APHIS–2006–0113), and effective on January 14, 2010, we amended the regulations governing the importation of animal byproducts to, among other things, provide specific conditions under which deer and other ruminant hides and skins from Mexico could be

imported into the United States in order to protect U.S. livestock from the introduction of bovine babesiosis.

In the final rule, we added provisions for the importation of ruminant hides and skins from Mexico to § 95.5. We provided that hides and skins from Mexico may enter the United States without other restriction if they are hard dried (paragraph (a)(2)); have been pickled in a solution of salt containing mineral acid which has a pH of less than or equal to 5 and placed in containers while wet (paragraph (a)(4)); or have been treated with lime so as to have become dehaired and ready for preparation into rawhide products (paragraph (a)(5)).

In order to address the specific risk to U.S. livestock of bovine babesiosis, we are amending paragraph (b)(1) of § 95.5 to add the statement that ruminant hides and skins from Mexico must also be free of ticks in addition to having been subjected to any one of the treatments specified in paragraphs (a)(2), (a)(4), or (a)(5) of § 95.5.

Hides and skins from Mexico may also enter the United States without other restriction if they are found to have been frozen solid for 24 hours upon inspection by an inspector or are accompanied by a certificate attesting to that fact issued by the shipper or importer and are free from ticks; are free from ticks and are accompanied by a certificate issued by a full-time salaried veterinary officer of the Government of Mexico stating that they have been treated with an acaricide; or are bovine hides taken from cattle that were subjected to a tickicidal dip in one of the permitted dips at a Mexican facility 7 to 12 days prior to slaughter, and are free from ticks. These requirements are intended to protect U.S. livestock from the introduction of bovine babesiosis.

The introductory text of § 95.5 provides that untanned hides and skins and bird trophies may be imported into the United States if they meet the requirements of that section or are handled at an approved establishment as set forth in § 95.6. Our final rule should have indicated that ruminant hides and skins from Mexico may not be handled at approved establishments because of the risk of the hides and skins being infested with ticks carrying bovine babesiosis. Since the publication of the final rule, we have not authorized any approved establishments to receive ruminant hides and skins from Mexico.

Therefore, we are amending the introductory text of § 95.5 so that it clearly states that ruminant hides and skins from Mexico that do not meet the requirements of § 95.5 are not eligible for importation for handling at an