grower member to act in that member's place if the alternate grower member or additional alternate grower member so designated was selected from the same entity which was authorized to nominate the member, and that a handler member may designate any alternate handler member or additional alternate handler member to act in that member's place if the alternate handler member or additional alternate handler member so designated was selected from the same entity which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, that member's alternate shall act for such member until a successor for such member is selected and has qualified.

§ 908.29 [Amended]

21. Section 908.29 is amended by removing paragraph (n).

22. Section 908.30 is amended by revising the title to read as follows:

§ 908.30 Voting procedures.

* * * * *

§ 908.104 [Removed]

23. Section 908.104 is removed.

Signed at Washington, DC, on August 24, 1988.

Robert Melland,

Deputy Assistant Secretary of Agriculture, Marketing and Inspection Services.

[FR Doc. 88-19993 Filed 9-1-88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Regulation 629]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 629 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 310,000 cartons during the period September 4 through September 10, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 629 (§ 910.929) is effective for the period September 4 through September 10, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR Part 910] regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988-89. The committee met publicly on August 30, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.929 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.929 Lemon Regulation 629.

The quantity of lemons grown in California and Arizona which may be handled during the period September 4, 1988, through September 10,1988, is established at 310,000 cartons.

Dated: August 31, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88-20147 Filed 9-1-88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 920

[AMS-FV-88-064FR]

Kiwifruit Grown in California; Final Rule Revising Minimum Quantity Exemption and Clarifying Exempt Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds a subsection to the handling regulation for kiwifruit grown in California specifying the types of uses which would exempt such handling from the requirements of that regulation. This rule also revises the regulation which exempts kiwifruit handlers from certain regulations based on the sale of a small quantity of fruit sold for home use. These actions clarify provisions relative to the quantity and types of shipments that are not subject to the quality, maturity, size, pack, and

inspection requirements imposed under the marketing order.

EFFECTIVE DATE: October 1, 1988.

FOR FURTHER INFORMATION CONTACT: Todd A. Delello, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone (202) 475–5610.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 920 [7 CFR Part 920], as amended, regulating the handling of kiwifruit grown in the State of California. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 145 handlers of California kiwifruit subject to regulation under the marketing order, and approximately 1,225 producers in the production area. The Small Business Administration [13 CFR 121.2] has defined small agricultural producers as those having annual gross revenue for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California kiwifruit may be classified as small entities.

The 1987 California kiwifruit harvest totalled 7.8 million trays and tray equivalents, 21 percent larger than the 1986 harvest. For the past ten years, kiwifruit production has increased in California and is expected to increase again in 1988 to a total of 8.7 million trays. Most of the crop is shipped to fresh markets, with only a small volume of fruit utilized by processors. Exports increased 31 percent over last year and are estimated to have accounted for 55 percent of the 1987 production. Domestic shipments are also increasing, with a gain of about 20 percent for the 1987 crop. It has been estimated that 20 to 25 percent of domestic shipments is utilized in foodservice markets (e.g. restaurants).

The handling requirements for fresh California kiwifruit are specified in 7 CFR 920.302 [52 FR 37130, October 5, 1987]. The current requirements specify that kiwifruit shall grade at least 85 percent U.S. No. 2 with not more than 8 percent allowed for defects other than shape causing damage, not more than 4 percent allowed for defects other than shape causing serious damage, and not more than 1 percent allowed for fruit affected by internal breakdown or decay. Kiwifruit also must meet a minimum size of 49 and contain a minimum of 6.5 percent soluble solids at the time of inspection. Pack and container requirements are also specified.

This rule revises the administrative rule pertaining to the minimum quantity exemption and adds a new paragraph (c) to the handling regulation (§ 920.302) listing the types of shipments that are exempt from its requirements. The first change was unanimously recommended, and the second was recommended by a six to five vote by the Kiwifruit Administrative Committee on April 6.

The marketing order specifies in paragraph (a) of § 920.54 that kiwifruit handled for certain uses are exempt from the handling regulations imposed under the order as well as inspection and assessment requirements. Such uses are consumption by charitable institutions, distribution by relief agencies, and commercial processing into products. There currently exists some misunderstanding among kiwifruit handlers as to what activities "commercial processing into products" includes. This rule lists these exemptions in the handling regulation and defines the meaning of "commercial processing into products" consistent with the intent of this order provision.

As previously indicated, the foodservice industry is an important market for California kiwifruit in terms of the volume of fruit utilized in such outlets. Additionally, consumers are often introduced to this fruit while dining outside the home. Therefore, the committee concluded that it is necessary that a quality product reach these markets.

Fresh kiwifruit used by foodservice operators is generally peeled and sliced before serving. Some shippers have mistakenly interpreted this to mean the fruit is being processed and therefore such shipments fall within the exemption provision.

The record evidence supporting this exemption provision in the order, however, indicates that "commercial processing into products" is intended to cover such uses as production into wine, jams and jellies because kiwifruit so utilized does not affect the marketing of kiwifruit in commercial fresh fruit market channels, and therefore no use would be served by requiring such kiwifruit to meet quality standards imposed under the order.

While the acts of peeling and slicing prior to serving do not qualify as "commercial processing into products" under paragraph (a) of § 920.54, the committee considered recommending that shipments to foodservice outlets be exempt from handling regulations under paragraph (b) of that section. The majority of the committee members believed, however, that such shipments should continue to meet the established grade, size and maturity standards because they account for a significant share of total fresh shipments. Allowing such a large volume of potentially substandard fruit to be shipped could depress the market for all kiwifruit. In addition, it would be difficult to monitor the movement of fruit shipped to foodservice outlets to ascertain whether the fruit was, in fact, utilized for exempt purposes.

Therefore, the term "commercial processing into products" is clearly defined to mean that kiwifruit is physically altered in form or chemical composition through freezing, canning, dehydrating, pulping, juicing, or heating. This clarification ensures that fresh kiwifruit served in foodservice outlets meet the minimum quality standards imposed under the order.

The marketing order also provides another exemption from the handling regulation for kiwifruit directly marketed by growers under certain conditions. Such kiwifruit must be sold for home use, and not for resale. The maximum quantity that can be sold to any one person on any one day is currently limited to 200 pounds. Using this current poundage limit, a handler can sell three separate family members in one vehicle up to 600 pounds of kiwifruit free from all regulations. The committee believes that this amount is excessive in view of the basic intent of this exemption provision, i.e. that the fruit is for home use, not resale. The committee recommended that the 200 pound limit be applied to all persons collectively in any one vehicle and believes that this change will further the fulfillment of this provision's objective.

With current annual per capita consumption of kiwifruit in the United States being approximately 0.2 pounds, a 200 pound-per-vehicle exemption amount should be adequate to meet the needs for home use. Therefore, paragraph (b)(2) of § 920.110 is revised accordingly.

Finally, paragraph (a) of the handling regulation (§ 920.302) is revised to remove obsolete language.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Notice of this action was published in the **Federal Register** on July 13, 1988 [53 FR 26445] allowing interested persons until August 12, 1988, to file written comments. No comments were received.

After consideration of the information and recommendation submitted by the committee, and other available information, it is hereby found that the rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** in that: (1) The 1988 harvest of California kiwifruit will begin in early October, and this action should be effective October 1; and (2) the provisions in this final rule are the same as those in the proposal, which received no opposing comments.

List of Subjects in 7 CFR Part 920

Marketing agreements and orders, Kiwifruit, California.

For the reasons set forth in the preamble, 7 CFR Part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 920.110 is amended by revising paragraph (b)(2) to read as follows:

Note.—This regulation will appear in the Code of Federal Regulations.

§ 920.110 Exemptions.

* * * * *

(b) * * *

(2) The total weight of such kiwifruit sold to all persons collectively in any one vehicle during any one day does not exceed 200 pounds.

* * * * *

3. Section 920.302 is amended by revising paragraph (a) introductory text and adding a new paragraph (c) to read as follows:

[**Note:** This regulation will appear in the Code of Federal Regulations.]

§ 920.302 Grade, size, pack, and container regulations.

(a) No handler shall ship any kiwifruit unless such kiwifruit meet the following requirements:

* * * * *

(c) *Exemptions.* Any person may handle kiwifruit without regard to the provisions of this section provided that such kiwifruit is handled for (1) consumption by charitable institutions; (2) distribution by relief agencies; or (3) commercial processing into products. For the purposes of this section, "commercial processing into products" means that the kiwifruit is physically altered in form or chemical composition through freezing, canning, dehydrating, pulping, juicing, or heating of the product. The act of slicing, dicing, or peeling shall not be considered commercial processing into products.

Dated: August 29, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–19991 Filed 9–1–88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 981

[FV-88-128FR]

Handling of Almonds Grown in California; Revision of Salable and Reserve Percentages for the 1987–88 Crop Year; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This action corrects a typographical error contained in a final rule published in the **Federal Register** on July 29, 1988 (53 FR 28631). The action corrects § 981.235 of Subpart—Salable, Reserve, and Export Percentages issued under Marketing Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The action changes the date contained in the heading of § 981.235 from July 1, 1988, to July 1, 1987.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Specialist, Marketing Order Administration Branch, Room 2525, South Building, F&V, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This action corrects a final rule which revised salable and reserve percentages for marketable California almonds received by handlers during the 1987–88 crop year, which began July 1, 1987. That rule increased the salable percentage from 82 to 100 percent and correspondingly decreased the reserve percentage from 18 percent to 0 percent.

The error appears in the heading to revised § 981.235 found in the third column on page 28631 of the July 29, 1988, issue of the **Federal Register**. In that heading, an erroneous date of July 1, 1988, was inadvertently used. This action corrects that date to July 1, 1987.

List of Subjects in 7 CFR Part 981

Almonds, California, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR Part 981 is corrected to read as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Subpart—Salable, Reserve, and Export Percentages

2. Correctly revises § 981.235 to read as follows:

§ 981.235 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1987.

The salable, reserve, and export percentages during the crop year beginning July 1, 1987, shall be 100 percent, 0 percent, and 0 percent, respectively.

Dated: August 30, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–20062 Filed 9–1–88; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 88-100]

Official Brucellosis Tests

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the brucellosis regulations by adding the particle concentration fluoresence immunoassay (PCFIA) test to the list of

official tests for brucellosis in cattle and bison. This action is warranted to allow for testing that is faster, more sensitive, and more specific than many of the official laboratory tests currently being used.

EFFECTIVE DATE: September 2, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Hugh E. Metcalf, Senior Staff Veterinarian, Program Planning Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8713.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 78 (referred to below as the regulations) govern the interstate movement of cattle, bison, and swine in order to prevent the spread of brucellosis.

On April 12, 1988, we published in the Federal Register (53 FR 12019–12024, Docket Number 88–020) a document proposing to amend § 78.1 by adding the particle concentration fluoresence immunoassay (PCFIA) test to the list of official tests for brucellosis in cattle and bison. In our proposal, we included portions of the procedures for conducting the PCFIA test. We invited the submission of written comments, which were required to be postmarked or received on or before May 12, 1988. We received nine comments—two from private individuals, one from the American Veterinary Medical Association, one from the Holstein Association, and five from state agencies responsible for animal health.

Four commenters favored the rule as published.

Three commenters favored adoption of the PCFIA test as an official test, but objected to our including test procedures. One commenter objected to inclusion of the procedures, without favoring or opposing adoption of the test. In response to these comments, and based on our concerns with including only portions of the procedures in the regulations, we are adding the PCFIA test to the list of official tests without including the portions of the procedures for carrying out the test. We are, however, considering inclusion of the protocol for the PCFIA test and other official tests in a testing manual for incorporation by reference or inclusion in the regulations.

One commenter supported adoption of the PCFIA test as an official test, but disagreed with our statement in the backgound information of the proposal that the test could stand alone as a diagnostic test. The commenter stated that supplemental tests would be necessary in most cases, particularly in vaccinated populations. According the the commenter, the specificity of the PCFIA test when used for cattle that have received an adult vaccination within the previous year is inferior to the manual complement-fixation (CF) test in the range of S/N ratios (the ratio of sample or positive control to control signal) proposed to indicate a reactor (<.25).

We are making no changes based on this comment. The data supplied by the developer of the test showed no statistical difference in specificity and sensitivity between the PCFIA and CF tests for samples testing positive. Although running two or more types of tests concurrently might provide an increased combined sensitivity, the increase with regard to the PCFIA would likely be slight.

The same commenter expressed concern regarding how the test would be interpreted, stating that because control samples don't usually reveal fluctuations in the test's sensitivity, professional experience is sometimes necessary to make an appropriate diagnosis. We are making no changes based on this comment. The designated epidemiologist (an epidemiologist selected by the state animal health official and the Veterinarian in Charge to perform the functions required) has the authority to supplement the results of the test with considerations regarding the individual animal, herd history, and other epidemiologic factors when determining the brucellosis classification of cattle and bison.

One of the commenters favoring adoption of the PCFIA test as an official test expressed concern that the cost of the test might be prohibitive. According to the commenter, the cost of the required instrumentation and reagents would probably limit the use of the test to one central laboratory. We are making no changes based on this comment. Our inclusion of the PCFIA test as an official test is based on its efficacy as a diagnostic tool. If it proves to be prohibitively expensive, other official tests will still be available for use. As we stated in the proposed rule, it is expected that lower personnel expenses due to the increased speed and automation of the test will offset the start-up and recurring costs.

Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal as a final rule, with the changes noted. Additionally, we are including the PCFIA test in the list of official tests at § 78.1(a)(10) of the regulations, rather than at § 78.1(a)(9) as proposed. This change is necessary because another test was added at § 78.1(a)(9) between the time the April 12 proposed rule was published and publication of this final rule. We are also redesignating § 78.1(a)(10) of the current regulations as § 78.1(a)(11).

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

This action will only provide an additional official brucellosis test for cattle and bison as an option for use in determining whether an animal is infected with the disease. The testing requirements for brucellosis will not change. Moreover, use of the PCFIA test will not affect the market price of the animals tested. Although more rapid testing may allow faster marketing, the economic effect on owners of cattle or bison will not be significant. Nor will the inclusion of the PCFIA test as an official test have a significant economic effect on laboratories. Although the cost of this test may be more than that for other official tests, due to the need for new equipment and to higher reagent costs, lower personnel expenses due to the increased speed and automation of the test are expected to offset the start-up and recurring costs. Other official tests will still be available to those laboratories where the PCFIA test is not used.

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.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork

Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

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.)

Effective Date

The Administrator, Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by making it effective upon publication. Inclusion of the PCFIA test as an official test for brucellosis in cattle and bison will allow those laboratories that choose to use the test to conduct testing that is faster, more sensitive, and more specific than many of the official laboratory tests currently being used. Some laboratories already have the equipment necessary to conduct the PCFIA test, are currently using the test with regard to intrastate movement of cattle, and could begin using the test for interstate movement without purchasing new equipment. Delaying the effective date of this rule would create an unnecessary delay in the use of the PCFIA test.

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as follows:

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, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 78.1, the definition of "official test" is amended by redesignating paragraph (a)(10) as paragraph (a)(11), and by adding a new paragraph (a)(10) to read as follows:

§ 78.1 Definitions.

* * * * *

Official test.

(a) * * *

(10) Particle concentration fluorescence immunoassay (PCFIA) test. An automated serologic test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by Veterinary Service. Cattle and bison are classified according to the following ratio between the test sample and a known negative sample (S/N ratio):

S/N Ratio	Classification
Greater than .70	Negative.
.26 to .70	Suspect.
.25 or lower	Reactor.

* * * * *

Done in Washington, DC, this 30th day of August, 1988.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88–20057 Filed 9–1–88; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 92

[Docket No. 88–130]

Restrictions on Importation of Horses From Switzerland

AGENCY: Animal and Plant Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the regulations by adding Switzerland to the list of countries in which contagious equine metritis (CEM) exists. Because Switzerland is no longer free of CEM, we are restricting the importation of certain horses from that country to prevent the livestock of the United States from contracting the disease.

Stallions and mares from Switzerland that are older than 731 days will not be permitted into the United States under standard 3-day quarantine and testing procedures. Instead, they must be tested and treated in accordance with procedures established to qualify stallions and mares from CEM-affected countries for importation into the United States.

We took this action in response to information from Swiss animal health officials, confirming their finding of CEM on April 28, 1988.

EFFECTIVE DATE: October 3, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 810, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8695.

SUPPLEMENTARY INFORMATION:

Background

The regulations on animal importations in 9 CFR Part 92 (referred to below as the regulations) restrict the importation of horses that could introduce various diseases, including contagious equine metritis (CEM), into the United States. CEM, a venereal disease, affects horses' fertility and breeding.

Section 92.2(i)(1) lists the countries in which CEM exists and, with certain exceptions, prohibits importation of horses from those countries and horses that have been in any of those countries within the 12 months immediately preceding their export to the United States.

In an interim rule that was effective May 27, 1988, and published in the **Federal Register** on June 3, 1988 (53 FR 20306–20307, Docket Number 88–092), we added Switzerland to the list of countries in which CEM exists. We took this action in response to information from Swiss animal health officials, confirming their finding of CEM on April 28, 1988. Comments on the interim rule were required to be postmarked or received on or before August 2, 1988. We did not receive any comments. The facts presented in the interim rule still provides a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Stallions and mares from Switzerland that are older than 731 days must undergo testing and treatment in Switzerland and the United States that is more extensive than is standard during a 3-day quarantine. The extra time required for this additional testing and treatment will delay the horses' importation into this country; it will therefore increase the cost to importers of horses from Switzerland. However, of the approximately 22,000 horses imported into the United States in 1987, only 56 came from Switzerland. We