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 910.968 is added to read as follows:

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

§ 910.968 Lemon Regulation 668.

The quantity of lemons grown in California and Arizona which may be handled during the period June 4, 1989, through June 10, 1989, is established at 400,000 cartons.

Dated: June 1, 1989.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–13410 Filed 6–2–89; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 89–060]

Importation of Horses from Argentina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations by removing the requirement that horses imported into the United States from Argentina be quarantined for not less than seven days. We are removing this quarantine requirement because we have determined that Venezuelan equine encephalomyelitis (VEE) does not exist in Argentina. This rule will allow horses imported into the United States from Argentina that meet all the requirements for importation, to qualify in most cases for a shortened quarantine period (usually three days) upon importation into the United States.

EFFECTIVE DATE: June 5, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, Room 753, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7885.

SUPPLEMENTARY INFORMATION:

Background

Regulations of the Animal and Plant Health Inspection Service (APHIS) on animal importations in 9 CFR Part 92 (referred to below as the regulations) prohibit or restrict the importation of horses that could introduce various diseases, including Venezuelan equine encephalomyelitis (VEE), into the United States.

On March 13, 1989, we published in the **Federal Register** (54 FR 10356–10357, Docket No. 88–162) a document proposing to amend § 92.11(d)(1)(i) of the regulations by eliminating the requirement that horses imported into the United States from Argentina undergo a quarantine of not less than seven days to prevent the introduction of VEE into the United States.

Comments on the proposal were required to be postmarked or received on or before April 12, 1989. We received two comments from members of the public in support of the proposal. Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal without change as a final rule.

Effective Date

This final rule is made effective on the date of publication. The final rule relieves certain restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete these restrictions.

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.

This regulation will generally reduce the time that horses imported from Argentina must spend in quarantine at the port of arrival, and will, therefore, reduce the cost to importers of expenses related to this quarantine. The number of horses imported from Argentina annually is small compared with the total number of horses imported annually. In 1988, of 30,000 imported horses, approximately 890 were imported from Argentina. These importations involved several hundred individuals importing one or a few horses, with no importations of large groups of horses. Because horses imported from Argentina under this rule will usually be quarantined for no more than three days while test results are obtained, the main economic effect of this rule will be to save importers the costs of quarantining their horses four additional days, a savings of approximately $238 per horse.

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

The 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.)

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, we are amending 9 CFR Part 92 as follows:

1. The authority citation continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.11 [Amended]

2. In § 92.11(d)(1)(i) the words "and except with respect to horses from Argentina," are added immediately following the word "Mexico,".

Done in Washington, DC, this 30th day of May 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-13240 Filed 6-2-89; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Parts 145 and 147

[Docket No. 89-049]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The National Poultry Improvement Plan (referred to below as the Plan) is a federal-state-industry voluntary program for the improvement of poulty breeding stock and hatchery products. This goal is achieved primarily through the prevention and control of certain poultry diseases. We are expanding the Plan to include a new "U.S. Sanitation Monitored, Turkeys" program for reducing Salmonella levels in turkey flocks and products. We are also amending certain provisions of Parts 145 and 147 in order to increase the effectiveness of the Plan's monitoring and testing procedures, and to keep the Plan current with the latest improvements in poultry disease technology.

EFFECTIVE DATE: July 5, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. I. L. Peterson; Sheep, Goat, Equine, and Poultry Diseases Staff; VS; APHIS; USDA; Room 771; Federal Building; 6505 Belcrest Road; Hyattsville; MD 20782; 301-436-5777.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (referred to below as the Plan) is a cooperative federal-state-industry mechanism for controlling poultry diseases by identifying states, flocks, hatcheries, and dealers that meet certain disease control standards. Customers then have the opportunity to purchase stock that are tested "clean" of certain diseases, or that are produced under disease-prevention requirements.

The Plan currently consists of a variety of programs to prevent and control egg-transmitted, hatchery-disseminated poultry diseases. Participation in all Plan programs is voluntary. However, flocks, hatcheries, and dealers must qualify as "U.S. Pullorum-Typhoid Clean" before participating in any other Plan program.

The regulations for this voluntary program are contained in 9 CFR Parts 145 and 147 (referred to below as "the regulations"). These provisions are amended from time to time to incorporate new scientific information and technologies within the Plan.

We published in the Federal Register on January 6, 1989 (54 FR 418-427, Docket No. 86-110), a proposal to amend the regulations by making the following changes:

1. Establish a new "U.S. Sanitation Monitored, Turkeys" program and emblem for turkey flocks and products.
2. Require annual examination, by State Inspectors, of all records pertaining to flocks maintained primarily for production of hatching eggs.
3. Lower the minimum age at which turkeys can be blood tested.
4. Change certain procedures for blood testing flocks and individual birds for pullorum-typhoid.
5. Expand and improve the sanitation and flock management requirements of the "U.S. Sanitation Monitored" program for egg-type chicken breeding flocks.
6. Authorize egg yolk testing as an alternative method of monitoring certain multiplier breeding flocks classified as "U.S. M. Gallisepticum Clean."
7. Expand procedures used to determine if a flock is infected with the Mycoplasma organism for which it was tested.
8. Disclaim liability for failure, on the part of users, to adhere to Occupational Safety and Health Administration (OSHA) standards for formaldehyde fumigation.

Our proposed amendments were consistent with recommendations approved by the voting delegates to the June 1986 and 1988 meetings of the Biennial National Plan Conferences. Participants at these meetings represented flockowners, breeders, hatcherymen, and Official State Agencies from all cooperating states.

Comments

Our proposal invited the submission of written comments, which were required to be received or postmarked by February 6, 1989. We subsequently published another document in the Federal Register on March 8, 1989 (54 FR 9842, Docket No. 89-023) re-opening and extending the comment period until April 7, 1989. We received eleven comments before the deadline. No commenter opposed the proposed rule, although three commenters suggested relatively minor changes to the rule, discussed below.

Section 145.23(d)—U.S. Sanitation Monitored Program Qualifications

One commenter suggested that proposed § 145.23(d)(1)(vi) be changed from requiring pullorum-typhoid antigen testing of 300 birds from each flock, to requiring testing of 300 birds from primary breeding flocks and 150 birds from multiplier flocks. The commenter suggested this sample size because it would be consistent with the present requirements for testing flocks for the "U.S. *M. Gallisepticum* Clean" program (§ 145.23(c)) and the "U.S. *M. Synoviae* Clean" program (§ 145.23(e)).

We are not making any change in response to this comment. The sample size of 300 birds was designed to ensure a 95 percent probability of detecting flocks infected with Salmonellosis at an incidence of 1 percent. Because the best presently available research indicates that Salmonellosis can occur in flocks at an incidence as low as 1 percent, while the incidence of *Mycoplasma gallisepticum* and *M. synoviae* in flocks infected with these organisms is usually much higher, we believe it is important to test for Salmonellosis at a rate of 300 birds per flock. If later experience in flock testing shows that the incidence of Salmonellosis is normally greater than 1 percent, we will consider reducing the 300 bird sample size.

One commenter noted, regarding the discussion in the Background section of the proposed rule concerning isolation of *S. enteritidis* from environmental samples, that environmental contamination can also result from contaminated feed containing incompletely pasteurized animal protein products either prior to mixing or in complete feed. We agree with this comment. Since the comment does not relate to the rulemaking language of the proposal, no change to the rule is being made.

One commenter requested that *S. enteritidis* antigen be approved for use in the tests required by § 145.23(d)(1)(vi). We proposed to require use of pullorum-typhoid antigen, which is as effective as *S. enteritidis* antigen in detecting infected birds, and which is available in a form allowing rapid whole blood plate tests. Since the tests are used only as a screening device to identify birds to necropsy, a simple and rapid test is desirable. Because no available *S. enteritidis* antigen test currently meets these criteria, no change is being made in response to this comment.

Pelletized Feed Manufacturing Standards

One commenter addressed the standards for pelletized feed fed to flocks, contained in §§ 145.23(d)(1)(ii)(A) and 145.43(f)(3)(i). These proposed sections contain cooking time, temperature, and pressure standards designed to destroy any *Salmonella* present during the feed pellet manufacturing process. The commenter suggested that a requirement be added to require that during manufacture, the feed mix must contain a minimum moisture content of 14.5 percent. The commenter stated that this moisture content is necessary to ensure that all *Salmonella* present are destroyed by the temperature, pressure, and cooking time standards contained in these sections.

We agree that maintaining a 14.5 percent moisture content during the pelletized feed manufacturing process is advisable to ensure destruction of *Salmonella*, and are changing these sections accordingly.

Miscellaneous

Several commenters made suggestions that were outside the scope of the proposed rule, some of which addressed other areas of the National Poultry Improvement Plan. These suggestions are appropriate for discussion at the next Biennial National Plan Conference meeting in 1990.

We have replaced the term "birth" with the more accurate term "hatching" at several places in the rule. We have also made minor editorial changes and corrections to the proposed rule.

Based on the rationale set forth in the proposal and in this document, we are adopting the proposal, with the changes discussed in this document, as a final 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.

The Plan is a cooperative Federal-state program. Participation is voluntary. Changes to provisions of this program are based on recommendations of the Biennial National Plan Conference, which included representatives of member states, hatcheries, dealers, flock owners, and breeders. Plan participants requested that we make amendments to the regulations to incorporate new technology and information within the Plan.

The amendments made in this document should not cause significant changes in the cost of producing or buying poultry and poultry products, or in the amount of poultry and poultry products marketed because:

1. The annual examination of all records pertaining to flocks maintained primarily for production of hatching eggs should enable Official State Agencies to identify more of the flocks that have incurred a possible disease exposure. This should increase the effectiveness of the annual on-site inspection program, but will neither increase nor decrease the number of inspections conducted.

2. Changing the minimum age for blood testing turkeys will permit testing one month earlier than under current rules, but will neither increase nor decrease the number of birds tested annually.

3. Amendments to certain of the Plan's testing and monitoring procedures incorporate new technology and research findings. These changes should increase effectiveness and permit use of alternative tests and monitoring procedures for diseases prevented and controlled by Plan programs.

4. Amendments to the provisions of the "U.S. Sanitation Monitored, Turkeys" program will result in a slight increase in producer costs for additional testing. However, these same amendments should result in a slight reduction in the egg and chick mortality for participating flocks. It is difficult to project the degree to which these new producer costs and savings will be offset, because the regulations allow flock owners to choose among testing and feed alternatives. Nevertheless, we are certain that net costs or savings resulting from the changes will be significant, in terms of overall production costs, and will not affect the wholesale or retail cost of poultry or poultry products.

5. Cost-benefits to producers who decide to participate in the new "U.S. Sanitation Monitored, Turkeys" program will also roughly balance out. Producers will incur a small additional cost for required sanitation measures (although many producers are already engaging in some or all of these sanitation practices). The primary purpose of these measures is to reduce the incidence of Salmonella in the flock, but reduced Salmonella levels should, in turn, result in a slight increase in the number of surviving eggs and poults. The experience of the turkey industry in Minnesota—where a "U.S. Sanitation Monitored, Turkeys" program has been underway for seven years—is that profits from the sale of the additional eggs and poults roughly equals the cost of the additional sanitation measures.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule 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

These programs/activities under 9 CFR Parts 145 and 147 are listed in the Catalog of Federal Domestic Assistance under No. 10.025 and are subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Parts 145 and 147

Animal diseases, National Poultry Improvement Plan, Poultry and poultry products.

Accordingly, 9 CFR Parts 145 and 147 are amended as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. The authority citation for Part 145 continues to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

§ 145.1 [Amended]

2. The definitions in § 145.1 are placed in alphabetical order and the paragraph designations are removed.

3. Section 145.1 is amended by adding new definitions in alphabetical order to read as follows:

§ 145.1 Definitions.

* * * * *

Exposed (Exposure). Contact with birds, equipment, personnel, supplies, or any article infected with, or

contaminated by, communicable poultry disease organisms.

* * * * *

Fluff sample. Feathers, shell membrane, and other debris resulting from the hatching of poultry.

* * * * *

Infected flock. A flock in which an authorized laboratory has discovered one or more birds infected with a communicable poultry disease for which a program has been established under the Plan.

* * * * *

Midlay. Approximately 2–3 months after a flock begins to lay or after a molted flock is put back into production.

* * * * *

Program. Management, sanitation, testing, and monitoring procedures which, if complied with, will qualify, and maintain qualification for, designation of a flock, products produced from the flock, or a state by an official Plan classification and illustrative design, as described in § 145.10 of this part.

* * * * *

Reactor. A bird that has a positive reaction to a test, required or recommended in Parts 145 or 147 of this chapter, for any poultry disease for which a program has been established under the Plan.

* * * * *

Succeeding flock. A flock brought onto a premises during the 12 months following removal of an infected flock.

* * * * *

4. In § 145.10, a new paragraph (k) is added to read as follows:

§ 145.10 Terminology and classification; flocks, products, and States.

* * * * *

(k) *U.S. Sanitation Monitored, Turkeys.* (See § 145.43(f).)

5. Paragraph (b) of § 145.12 is revised to read as follows:

§ 145.12 Inspections.

* * * * *

(b) The records of all flocks maintained primarily for production of hatching eggs shall be examined annually by a State Inspector. On-site inspections of flocks and premises will be conducted if the State Inspector determines that a breach of sanitation, blood testing, or other provisions has occurred for Plan programs for which the flocks have or are being qualified.

6. Section 145.14 is amended as follows:

a. The introductory paragraph is revised.

b. Paragraph (a)(1) is revised and a new footnote number "1" is added.

c. Paragraph (a)(3) is amended by removing "Salmonella" and inserting "pullorum-typhoid".

d. Paragraph (a)(4) is removed and reserved.

e. Paragraph (a)(5) is amended by removing the last three sentences.

f. Paragraphs (a) (6) through (10) are redesignated as paragraphs (a) (7) through (11) respectively and a new paragraph (a)(6) and footnote 2 are added.

g. Newly redesignated paragraph (a)(8) is amended by removing "with Salmonella antigens of" and inserting "for pullorum-typhoid in".

h. Newly redesignated paragraph (a)(9) is revised.

i. Newly redesignated paragraph (a)(10) is amended by removing "upon which a Salmonella classification is based" and inserting "for pullorum-typhoid".

j. Footnote number "1" and the reference in paragraph (b)(1) are renumbered "3".

The amended provisions of § 145.14 read as follows:

§ 145.14 Blood testing.

Poultry must be more than 4 months of age when blood tested for an official classification; *Provided,* That turkey candidates may be blood tested at more than 12 weeks of age under Subpart D, while game birds may be blood tested under Subpart E when more than 4 months of age or upon reaching sexual maturity, whichever comes first. Blood samples for official tests shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, except that the stained antigen, rapid whole-blood test for pullorum-typhoid may be conducted by an Authorized Agent or State Inspector. For Plan programs in which a representative sample may be tested in lieu of an entire flock, the minimum number tested shall be 30 birds per house, with at least 1 bird taken from each pen and unit in the house. All birds must be tested in houses containing fewer than 30 birds.

(a) *For Pullorum-Typhoid.* (1) The official blood tests for pullorum-typhoid shall be the standard tube agglutination test, the microagglutination test, the enzyme-labeled immunosorbent assay test (ELISA), or the rapid serum test for all poultry; and the stained antigen, rapid whole-blood test for all poultry except turkeys. The procedures for conducting official blood tests are set forth in §§ 147.1, 147.2, 147.3, and 147.5 of this chapter and referenced in footnote 3 of this section. Only antigens approved by the Department and of the polyvalent type shall be used for the rapid whole-blood test. All microtest antigens and enzyme-labeled immunosorbent assay reagents shall also be approved by the Department.[1]

* * * * *

(4) [Reserved]

* * * * *

(6) When reactors are found in serum or blood from any flock, or *S. pullorum* or *S. gallinarum* organisms are isolated by an authorized laboratory from baby poultry, or from fluff samples produced by hatching eggs, the infected flock shall qualify for participation in the Plan with two consecutive negative results to an official blood test named in paragraph (a)(1) of this section. A succeeding flock must be qualified for participation in the Plan's pullorum-typhoid program with a negative result to an official blood test named in paragraph (a)(1) of this section. Testing to qualify flocks for Plan participation must include the testing of all birds in infected and succeeding flocks for a twelve month period, and shall be performed or physically supervised by a State Inspector. If the State Inspector determines that a primary breeding flock has been exposed to *S. pullorum* or *S. gallinarum,*[2] the Official State Agency shall require:

(i) The taking of blood samples—performed by or in the presence of a State Inspector—from all birds on premises exposed to birds, equipment, supplies, or personnel from the primary breeding flock during the period when the State Inspector determined that exposure to *S. pullorum* or *S. gallinarum* occurred.[2]

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[1] The criteria and procedures for Department approval of antigens and reagents may be obtained from Veterinary Biologics, BBEP, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

[2] In making determinations of exposure, the State Inspector shall evaluate both evidence proving that exposure occurred and circumstances indicating a high probability of contacts with: infected wild birds; contaminated feed or waste; or birds, equipment, supplies, or persons from or exposed to flocks infected with *S. pullorum* or *S. gallinarum.*

(ii) The banding of all birds of these premises—performed or physically supervised by a State Inspector—in order to identify any bird that tests positive; and

(iii) The testing of blood samples at an authorized laboratory using an official blood test named in paragraph (a)(1) of this section.

* * * * *

(9) Poultry from flocks undergoing qualification testing for participation in the Plan, that have a positive reaction to an official blood test named in paragraph (a)(1) of this section, shall be evaluated for pullorum-typhoid infection. The Official State Agency shall select one or more of the following procedures to be used in each circumstance, based on a cost-benefit analysis involving evaluation of such factors as: the value of the reactors and flocks at risk; the necessity for preserving birds from scarce genetic lines; the need for a quick determination of disease existence; and the cost for each retesting option versus the total availability of funds (when the state provides retesting subsidies):

(i) Reactors shall be submitted to an authorized laboratory for bacteriological examination. If there are more than 4 reactors in a flock, a minimum of 4 reactors shall be submitted to the authorized laboratory; if the flock has 4 or fewer reactors, all of the reactors must be submitted. The approved procedure for bacteriological examination is set forth in § 147.11 of this chapter. When reactors are submitted to the authorized laboratory within 10 days from the date of reading an official blood test named in paragraph (a)(1) of this section, and the bacteriologicial examination fails to demonstrate pullorum-typhoid infection, the Official State Agency shall presume that the flock has no pullorum-typhoid reactors.

(ii) The serum specimen that produced the positive reaction shall be retested at an authorized laboratory in accordance with procedures set forth in § 147.1 of this chapter for the standard tube agglutination test, or in § 147.5 of this chapter for the microagglutination test for pullorum-typhoid. If the reaction to this retest is positive in dilutions of 1:50 or greater for the standard tube agglutination test, or 1:40 or greater for the microagglutination test, additional examination of the bird and flock will be performed in accordance with paragraph (a)(9)(i) or (a)(9)(iii) of this section.

(iii) the reactors shall be retested within 30 days using an official blood test named in paragraph (a)(1) of this section. If this retest is positive, additional examination of the reactors and flock will be performed in accordance with paragraph (a)(9)(i) of this section. During the 30-day period, the flock must be maintained under a security system, specified or approved by the Official State Agency, that will prevent physical contact with other birds and assure that personnel, equipment, and supplies that could be a source of pullorum-typhoid spread are sanitized.

* * * * *

§§ 145.23, 145.33, 145.43, 145.53 [Amended]

7. Paragraph (b)(2)(iii) of §§ 145.23, 145.33, 145.43, and 145.53 is revised as follows:

* * * * *

(b) * * *

(2) * * *

(iii) The flock is located on a premises where either no poultry or a flock not classified as U.S. Pullorum-Typhoid Clean were located the previous year; *Provided,* That an Authorized Agent must blood test up to 300 birds per flock, as described in § 145.14, if the Official State Agency determines that the flock has been exposed to pullorum-typhoid. In making determinations of exposure and setting the number of birds to be blood tested, the Official State Agency shall evaluate the results of any blood tests, described in § 145.14(a)(1) of this part, that were performed on an unclassified flock located on the premises during the previous year; the origins of the unclassified flock; and the probability of contacts between the flock for which qualification is being sought and (a) infected wild birds, (b) contaminated feed or waste, or (c) birds, equipment, supplies, or personnel from flocks infected with pullorum-typhoid.

* * * * *

8. Section 145.23 is further amended as follows:

a. Paragraph (d)(1)(i) is revised.

b. Paragraph (d)(1)(iii) is removed.

c. Paragraph (d)(1)(iv) is redesignated as paragraph (d)(1)(iii).

d. Paragraph (d)(1)(ii) is redesignated as paragraph (d)(1)(iv) and a new paragraph (d)(1)(ii) and footnote 4 are added.

e. Paragraph (d)(1)(v) is redesignated as paragraph (d)(1)(vii) and revised, and a new paragraph (d)(1)(v) is added.

f. Paragraph (d)(1)(vi) is revised and and redesignated as paragraph (d)(1)(viii), and a new paragraph (d)(1)(vi) is added.

g. A new paragraph (d)(1)(ix) is added.

h. Paragraph (d)(2) is removed, and paragraphs (d) (3) and (4) are redesignated as paragraphs (d) (4) and (5), respectively.

i. New paragraphs (d) (2) and (3) are added.

The amended provisions of § 145.23 read as follows:

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(d) *U.S. Sanitation Monitored.* * * *

(1) * * *

(i) The flock originated from a U.S. Sanitation Monitored flock, or meconium from the chick boxes and a sample of chicks that died within 7 days after hatching are examined bacteriologically for salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.

(ii) All feed fed to the flock shall meet the following requirements:

(A) Pelletized feed shall contain either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI)/ Education Salmonella Reduction Program [4], a minimum moisture content of 14.5 percent, and must have been subjected to temperatures of 190 degrees F. or above, 165 degrees F. for at least 20 minutes, or 184 degrees F. and 70 lbs. of pressure during the manufacturing process;

(B) Mash feed shall contain either no animal protein or only animal protein products supplement manufactured in pellet form and crumbled.

* * * * *

(v) Environmental samples shall be collected from the flock by an Authorized Agent, as described in § 147.12 of this chapter, when the flock is more than 4 months of age. The samples shall be examined bacteriologically for group D salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.

(vi) Blood samples from 300 birds shall be officially tested with pullorum-typhoid antigen when the flock is a minimum of more than 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella, as described in § 147.11 of this chapter.

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[4] Documents concerning the APPI/Education Salmonella Reduction Program may be obtained from Dr. I. L. Peterson: Sheep, Goat, Equine, and Poultry Diseases Staff; VS; APHIS; USDA, Room 771; Federal Building; 6505 Belcrest Road; Hyattsville; MD 20782.

Cultures from positive samples shall be serotyped.

(vii) Hatching eggs are collected as quickly as possible and are handled as described in § 147.22 of this chapter and are sanitized or fumigated as described in § 147.25(a) of this chapter.

(viii) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and sanitized either by a procedure approved by the Official State Agency or as prescribed in § 147.25 of this chapter.

(ix) A minimum of 30 dead-germ eggs, taken monthly from randomly selected hatches from the flock, shall be examined bacteriologically for group D salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.

(2) A flock shall not be eligible for this classification if *Salmonella enteritidis* (*S. enteritidis* ser Enteritidis) is isolated from a sample collected from the flock in accordance with paragraph (d)(1)(vi) or (d)(1)(ix) of this section.

(3) A flock shall be eligible for this classification if *Salmonella enteritidis* (*S. enteritidis* ser Enteritidis) is isolated from an environmental sample collected from the flock in accordance with paragraph (d)(v) of this section: Provided, That testing is conducted in accordance with paragraphs (d)(1)(vi) and (d)(1)(ix) of this section each 30 days and no positive samples are found.

* * * * *

§§ 145.24, 145.34, 145.44, and 145.54 [Amended]

9. Paragraph (a)(1)(ii) of §§ 145.24, 145.34, 145.44, and 145.54 is amended by removing "found in waterfowl" and inserting "found within the preceding 24 months in waterfowl", and by removing the phrase "for a period of two years".

10. Section 145.43 is amended as follows:

a. Paragraph 145.43(c)(1) is amended by removing "§ 145.14(b)." and inserting "§145.14(b): *Provided,* That to retain this classification, a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age.".

b. Paragraphs (c)(1), (d)(1)(i), and (e)(1) and (3) of § 145.43 are amended by removing the phrase "4 months of age" and inserting the phrase "12 weeks of age".

c. The footnote and the reference in paragraph (d)(2) of § 145.43 are renumbered "5" and the newly designated footnote 5 is revised.

d. A new paragraph (f) and footnote 6 are added.

The amended provisions of § 145.43 read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(d) * * *

(2) * * *

[5] See footnote 3 to § 145.14(b)(1) of this part.

* * * * *

(f) *U.S. Sanitation Monitored, Turkeys.* A flock or hatchery whose owner is controlling or reducing the level of salmonella through compliance with sanitation and management practices as described in Subpart C of Part 147 of this chapter, and where the following monitoring, testing, and management practices are conducted:

(1) Hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), a sample of the poults that died within 10 days after hatching, or both, from each candidate breeding flock produced by a primary breeder, are examined bacteriologically at an authorized laboratory for Salmonella.

(2) The poults for the candidate breeding flock are placed in a building that has been cleaned, disinfected, and examined bacteriologically for the presence of Salmonella by an Authorized Agent, as described in § 147.12 of this chapter.

(3) Feed for turkeys in the candidate breeding flock shall meet the following requirements:

(i) All feed manufactured in pellet form must contain a minimum moisture content of 14.5 percent and must have been subjected to temperatures of 190 degrees F. or above, 165 degrees F. for at least 20 minutes, or 184 degrees F. and 70 lbs. of pressure during the manufacturing process.

(ii) Initial feed (for newborn poults to 2 weeks of age) shall be manufactured in pellet form, either with no animal protein or with animal protein products produced under the Animal Protein Products Industry/Education Salmonella Reduction Program.[4]

(iii) Succeeding feed (for turkeys 2 weeks or older) shall be as described in (f)(3)(ii) of this section, mash that contains no animal protein products, or mash that contains an animal protein products supplement that has been manufactured in pellet form and crumbled.

(4) Environmental samples shall be taken by an Authorized Agent, as described in § 147.12 of this chapter, from each flock at 12–20 weeks of age and examined bacteriologically at an authorized laboratory for Salmonella.

(5) Owners of flocks found infected with a paratyphoid Salmonella may vaccinate these flocks with an autogenous bacterin with a potentiating agent.[6]

(6) Environmental samples shall be taken by an Authorized Agent, as described in § 147.12 of this chapter, from each flock at 35–50 weeks of age and from each molted flock at midlay, and examined bacteriologically at an authorized laboratory for Salmonella.

(7) Environmental samples shall be taken, by an Authorized Agent using the procedures described in § 147.12 of this chapter, from the laying house after the flock is removed, and examined bacteriologically at an authorized laboratory for Salmonella.

(8) Hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), a sample of the poults that died within 10 days after hatching, or both shall be cultured from poults produced from hatching eggs from each flock, as a means of evaluating the effectiveness of the control procedures.

§ 145.33 [Amended]

11. Paragraph (c)(1)(ii)(A) of § 145.53 is amended by revising the phrase "a random sample of at least" to read "a random sample of serum or egg yolk from at least".

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

12. The authority citation for Part 147 continues to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

13. The introductory text of paragraph (b) of § 147.6 is amended by removing the phrase "additional agglutination" and inserting "additional culturing procedures, and agglutination".

14. Paragraph (b)(5) of § 147.6 is revised as follows:

§ 147.6 Procedure for determining the status of flocks reacting to tests for Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis.

* * * * *

(b) * * *

(5) If HI titers of 1:80, positive enzyme-labeled immunosorbent assay (ELISA) titers, or SPD titers of 1:10 or higher are found, in conjunction with any of the criteria described in paragraph (a)(1) of this section, the Official State Agency shall presume the flock to be infected. If the indicated titers are found, but none

[6] Preparation and use of this type of vaccine may be regulated by state statutes.

of the criteria described in paragraph (a)(1) of this section are evident, tracheal swabs from 30 randomly selected birds shall be taken promptly and cultured individually for Mycoplasma, and additional tests conducted in accordance with paragraph (b)(6) of this section before final determination of the flock status is made.

15. Section 147.25 is amended by adding a sentence to the end of the introductory paragraph to read as follows:

§ 147.25 Fumigation.

* * * APHIS disclaims any liability in the use of formaldehyde for failure on the part of the user to adhere to the Occupational Safety and Health Administration (OSHA) standards for formaldehyde fumigation, published in the Dec. 4, 1987, **Federal Register** (52 FR 46168, Docket Nos. H–225, 225A, and 225B).

* * * * *

Done in Washington, DC, this 30th day of May 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–13241 Filed 6–2–89; 8:45 am]

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DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 600

Financial Assistance Rules; Technical Amendments

AGENCY: Department of Energy.

ACTION: Final rule, technical amendments.

SUMMARY: The Department of Energy (DOE) today amends the Financial Assistance Rules, 10 CFR Part 600, to make technical, non-substantive corrections. DOE amended these rules three times in 1988 and after a detailed review of them, has identified a number of technical errors (typographical errors, repetitions, incorrect citations, and the like) which warrant correction. Correction of these minor errors does not involve any substantive change.

EFFECTIVE DATE: July 5, 1989.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Introduction

The Department of Energy (DOE) is today amending the Financial Assistance Rules (10 CFR Part 600) to make non-substantive changes to correct errors appearing in it. There were three significant amendments to the Rules in 1988: changes to the way in which cooperative agreements are handled (53 FR 5260, February 22, 1988), adoption of the A–102 Common Rule (53 FR 8044, March 11, 1988), and the establishment of procedures for dealing with determinations of noncompetitive financial assistance and justifications of restricted eligibility (53 FR 12137, April 13, 1988). These changes not only involved policy issues, but, in the case of the common rule, a substantial reorganization of the Financial Assistance Rules, with renumbering of various sections. Inevitably, errors appeared in the text, including typographical mistakes, repetitions, and incorrect references.

II. Changes to 10 CFR Part 600

Section 600.2 is amended by deleting the reference to OMB Circular A–102 in paragraph (f)(i) and to OMB Circular A–124 in paragraph (f)(iii). Circular A–102 was replaced by the Common Rule (adopted by DOE as Subpart E of the Financial Assistance Rules) and Circular A–124 was cancelled in March 1987. The remaining numbering within the subsection is changed to reflect the deletions.

Section 600.10 is corrected to reinsert a subsection initially included in the February 22 revision and inadvertently deleted in the March 11 revision. Section 600.10(b) is corrected to remove the reference to OMB Circular A–102, Attachment M, as a result of the adoption of the Common Rule.

Section 600.14 is amended to correct a typographical error in paragraph (a) and a repetition in paragraph (e).

Section 600.20 is amended to correct a reference in paragraph (c) to § 600.108. This section was redesignated as § 600.32 in the March 11, 1988, Common Rule.

Section 600.28 is amended to delete paragraph (b)(4). It makes reference to § 600.27(g) which does not exist.

Section 600.30 is amended to clarify a citation in paragraph (a)(2).

Section 600.102 is amended to eliminate a reference to OMB Circular A–102 in paragraph (b)(1).

Sections 600.104, 600.106, and 600.108 of Subpart B of the Financial Assistance Rules are designated "Reserved" sections. They were redesignated as §§ 600.30, 600.31, and 600.32, respectively, in DOE's March 11, 1988, addendum to the A–102 Common Rule. There are sections in Subpart B following them.

Section 600.114 is amended to change a reference in (b)(ii) to reflect the redesignation of § 600.108 to § 600.32 in the March 11, 1988, **Federal Register** notice. This section is also amended to delete the duplicate inclusion of (b)(iv).

Section 600.119 is amended to clarify that the applicable section for procurement under financial assistance to governmental entities is contained in § 600.436, Subpart E, and to delete a reference to § 600.19(b)(1), which has been removed from the rule.

Section 600.207 is amended to correct the references in paragraphs (b) (7), (8) and (9) from § 600.118 to § 600.33.

Section 600.305 is amended to replace the reference in paragraph (c) to A–102 with the correct citation to Subpart E.

Section 600.315 is amended to replace the reference to A–102 with the correct citation to Subpart E.

Section 600.402 is amended to include the addition to the definition of "prior approval" contained in the March 11, 1988, final rule. It is also amended to replace, in the definition of "supplies," the word "part" with the word "subpart."

Section 600.403 is amended to replace "part" with "subpart"in the last line of paragraph (a)(3)(i).

III. Review Under Executive Order 12291

This rule was reviewed under Executive Order 12291 (February 17, 1981). It involves only technical changes to the Financial Assistance Rules. DOE has concluded that it is thus not a "major rule" because its promulgation will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete in domestic or export markets. In accordance with requirements of the Executive order, this rulemaking has been reviewed by the Office of Management and Budget (OMB).

IV. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Pub.