(1) Product of the same carlot shall be considered to be separate lots whenever the product differs markedly as to quality and/or condition, and such differences are definitely associated with certain brands, varieties, sizes or container markings;

(2) If the applicant requests more than one inspection certificate covering portions of the same carlot, the quantity of the carlot covered by each certificate shall be considered to be a separate carlot;

(3) If product of the same carlot is packed in more than one size or type container, each such size or type shall be considered to be a separate lot.

(e) *Carlot equivalent. Carlot equivalent* shall be the quantity of an individual product customarily loaded in common highway trailers.

* * * * *

4. Section 51.37 is revised to read as follows:

§ 51.37 Charges for fees, rates, and expenses.

For each carlot of product inspected, a fee or rate determined in accordance with §§ 51.38 and 51.39, and expenses determined in accordance with § 51.40, shall be paid by the applicant.

5. Section 51.38 is revised to read as follows:

§ 51.38 Basis for fees and rates.

(a) When performing inspections of product unloaded directly from land or air transportation, charges shall be determined on the following basis:

(1) Quality and condition inspection and/or condition only inspection of five or more products from the same conveyance:

(i) $220 for the first five products.

(ii) $10 for each additional product.

(iii) $10 for each additional lot identified on an inspection certificate for any of the products.

(2) All other inspections for quality and condition:

(i) $62 for over a half carlot equivalent of an individual product.

(ii) $52 for half carlot equivalent or less of an individual product.

(iii) $10 for each additional lot identified on an inspection certificate for the same product on or unloaded from the same conveyance.

(3) All other inspections for condition only:

(i) $52 for over half carlot equivalent of an individual product.

(ii) $47 for a half carlot equivalent or less of an individual product.

(iii) $10 for each additional lot identified on an inspection certificate for the same product on or unloaded from the same conveyance.

(b) When performing inspections of products unloaded directly from sea transportation, charges shall be determined on the following basis:

(1) On a package basis, with a minimum charge of $62 for each product inspected, for palletized products offered for inspection as unloaded at dock-side according to the following rates: (i) 1 cent per package weighing less than 15 pounds; (ii) 2 cents per package weighing 15 to 29 pounds; and (iii) 3 cents per package weighing 30 or more pounds.

(2) On a carlot basis in accordance with § 51.38(a) for products in sea containers, or when inspections are performed after product has been transported from the dockside facility.

(c) When performing inspections for Government agencies, or for purposes other than those prescribed in the preceding paragraphs including weight-only and freezing-only inspections, fees for inspection shall be based on the time consumed by the grader in connection with such inspections, computed at a rate of $31.00 an hour: *Provided,* That:

(1) Charges for time shall be rounded to the nearest half hour;

(2) The minimum fee shall be two hours for weight-only inspections, and one-half hour for other inspections;

(3) When weight certification is provided in addition to quality and/or condition inspection, a one-hour charge shall be added to the carlot fee.

(4) When inspections are performed to certify product compliance for Defense Personnel Support Centers, the daily or weekly charge shall be determined by multiplying the total hours consumed to conduct inspections by the hourly rate. The daily or weekly charge shall be prorated among applicants by multiplying the daily or weekly charge by the percentage of product passed and/or failed for each applicant during that day or week. Waiting time and overtime charges shall be charged directly to the applicant responsible for their incurrence.

(d) When performing inspections at the request of the applicant during periods which are outside the grader's regularly scheduled work week, a charge for overtime or holiday work shall be made at the rate of $15.50 per hour or portion thereof in addition to the carlot equivalent fee, package charge, or hourly charge specified in this subpart. Overtime or holiday charges for time shall be rounded to the nearest half hour.

6. Section 51.39 is revised to read as follows:

§ 51.39 Fees for appeal inspections.

The fee to be charged to an applicant, including any Government agency, for appeal inspections on all products shall be at the same rate as those set forth in this part, except that when a material error is found in the determination of the original inspection, no fee will be charged.

7. Section 51.40 is revised as follows:

§ 51.40 Traveling and other expenses.

Costs including travel incurred by the Agricultural Marketing Service in providing inspection service or appeal inspections may be charged to the applicant, including any Government agency. These charges shall be included with the fee for inspection on the bill furnished the applicant.

8. Section 51.41 is revised as follows:

§ 51.41 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those copies provided for in § 51.21, or copies of official memoranda, may be mailed, faxed, or otherwise provided to any interested party upon payment of a fee of $5.00 for each copy.

Dated: October 25, 1991.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 91-26143 Filed 10-29-91; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 966

[Docket No. FV-91-429]

Florida Tomatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 966 for the 1991-92 fiscal period. Authorization of this budget enables the Florida Tomato Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATES: August 1, 1991, through July 31, 1992.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-447-2020.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement No. 125 and Order No. 966 (7 CFR part 966), regulating the handling of tomatoes grown in Florida. The marketing agreement and order are effective under 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 by the Department of Agriculture in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule 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 the 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 50 handlers of Florida tomatoes under this marketing order, and approximately 250 producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of Florida tomato producers and handlers may be classified as small entities.

The budget of expenses for the 1991–92 fiscal period was prepared by the Florida Tomato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are producers of Florida tomatoes. They are familiar with the committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of Florida tomatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the committee's expenses.

The committee met on September 5, 1991, and unanimously recommended a 1991–92 budget of $2,295,000, $331,000 more than the previous year. Major increases are in the office salaries, employee travel, depreciation, employees' health insurance, and social security tax categories, plus the addition of an escrow category under research. The committee anticipates recommending additional research projects later in the season and wanted to have the funds available. These funds will remain in escrow until such projects are recommended by the research subcommittee and approved by the Department.

The committee also unanimously recommended an assessment rate of $0.04 per 25-pound container of tomatoes, an increase from last season's rate of $0.035. This rate, when applied to anticipated shipments of 55,000,000 25-pound containers, will yield $2,200,000 in assessment income. This, along with $40,000 in interest and other income and $55,000 from the committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the beginning of the 1991–92 fiscal period, estimated at $825,606, were within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the **Federal Register** on September 26, 1991 (56 FR 48764). This document contained a proposal to add § 966.229 to authorize expenses and establish an assessment rate for the committee. This rule provided that interested persons could file comments through October 7, 1991. No comments were filed.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1991 fiscal period began on August 1, 1991, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable tomatoes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

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

2. A new § 966.229 is added to read as follows:

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

§ 966.229 Expenses and assessment rate.

Expenses of $2,295,000 by the Florida Tomatoe Committee are authorized, and an assessment rate of $0.04 per 25-pound container of Florida tomatoes is established for the fiscal period ending July 31, 1992. Unexpected funds may be carried over as a reserve.

Dated: October 23, 1991.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–26072 Filed 10–29–91, 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 91–046]

Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the brucellosis regulations (1) to provide that as a condition of attaining and maintaining status as Class Free, Class A, Class B, or Class C, a State or area must meet certain conditions concerning individual herd plans; and (2) to revise the criteria for designating States or areas as quarantined.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. John D. Kopec, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6188.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations contained in 9 CFR part 78 (referred to below as the regulations) provide a system for classifying States or portions of States (areas) according to the rate of *brucella* infection present, and the general effectiveness of a brucellosis control and 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 required to be placed under Federal quarantine.

On December 31, 1985, we published a proposed rule in the **Federal Register** (50 FR 53332-53335, Docket Number 85-073) in which we proposed to amend the regulations (1) to provide that as a condition of attaining and maintaining status as Class Free, Class A, Class B, or Class C, a State or area must meet certain conditions concerning individual herd plans; (2) to revise the criteria for quarantining States or areas; (3) to quarantine the State of Oklahoma; and (4) to clarify the regulations regarding the downgrading of the brucellosis status of a State or area.

We solicited comments on the proposed rule for a 60-day period ending March 3, 1986, and received 20 comments. The commenters included members of Congress, State departments of agriculture, the American Veterinary Medical Association, a State veterinary medical association, livestock organizations, and other members of the public. Four commenters supported the proposed rule without change. The remainder of the commenters recommended changes to certain provisions of the proposal. These comments are discussed below.

In our proposal, we set forth the rationale for each of the changes we proposed to make to the regulations, based on the brucellosis disease risk in the United States at that time. Except as noted below, the situations which prompted our proposed changes continue to exist today.

The proposed regulations provided that, as a condition of a State or area attaining and maintaining either Class Free, Class A, Class B, or Class C status, all herds in that State or area that are known to be affected with brucellosis would be required to have, within a specified period of time, approved individual herd plans for testing and monitoring the herds for brucellosis. The current regulations already require that, as a condition of attaining one of the four classifications, all herds adjacent to reactor herds, and all herds having contact with cattle in reactor herds, have approved individual herd plans for testing or monitoring. One commenter opposed the requirements for herd plans as proposed. The commenter expressed the opinion that insufficient State personnel exist to monitor the proposed herd plans adequately. We are making no changes based on this comment. The provisions in 9 CFR part 51 already require that herd owners develop a herd plan for quarantined herds in order to receive indemnity for cattle and bison that are destroyed. Therefore, the provisions of this final rule will not increase the burden of monitoring herd plans.

The remainder of the commenters who recommended changes to the proposal opposed the quarantining of the State of Oklahoma, stating that it would be inappropriate to quarantine an entire State for the failure of a small number of herd owners to comply with Federal regulations, as described in the proposal. In this final rule, we are not adopting our proposal to quarantine the State of Oklahoma. When we proposed to quarantine the State of Oklahoma, certain herd owners there either had not agreed to the required individual herd plans for the elimination of brucellosis from their herds, or were not following the part of their individual herd plans providing for regular testing of their herds and removal of reactors. However, since the time the proposal was published, these herd owners have come into compliance with the regulations. In fact, based on the rate of brucella infection in Oklahoma, and the general effectiveness of that State's brucellosis control and eradication program, on April 4, 1991, we published a document in the **Federal Register** (56 FR 13750-13751, Docket Number 91-041) in which we raised the brucellosis classifications of Oklahoma from Class B to Class A.

We also proposed to amend the criteria for quarantining States or areas. At the time the proposal was published, § 78.22 of the regulations provided for quarantining areas because of "the existence of the contagion of brucellosis and the nature and extent of such contagion in certain areas which do not have control and eradication procedures adequate to prevent the interstate dissemination of the disease." To clarify the intent of the regulations, we proposed to amend § 78.22 to provide that a State or area that does not meet the criteria for Class Free, Class A, Class B, or Class C status shall be designated as quarantined. No commenters addressed this proposed change, and we continue to consider it appropriate. However, since the time the proposal was published, we published another rulemaking document that moved the criteria for quarantining States or areas from § 78.22 to the definition of "quarantined area" in § 78.1. Therefore, in this final rule, we are amending the definition of "quarantined area" to read: "An area that does not meet the criteria for classification as Class Free, Class A, Class B, or Class C."

Additionally, we proposed to amend the regulations concerning the downgrading of States or areas. At the time the proposal was published, the provisions in § 78.25 read as follows:

> In the case of any reclassification to a lower class, the State animal health official of the State involved will be notified of such downgrading and shall be given an opportunity to request an administrative review and to present his objections and arguments to the Deputy Administrator prior to the downgrading taking effect.

Similar, but less detailed, provisions for downgrading States or areas, including downgrading States or areas to quarantined status, were set forth at other places in the regulations. In our proposal, we proposed to consolidate all procedures for downgrading, including downgrading to quarantined status, in § 78.25. However, since the time the proposal was published, we published another rulemaking document that set forth criteria for downgrading and other reclassification in § 78.40. No commenters opposed our proposed provision, and we continue to consider it appropriate to set forth the criteria for reclassification in one section of the regulations. Therefore, in this final rule, we are amending § 78.40 to set forth the provisions we proposed to include in § 78.25. In our proposal, we also proposed to remove the provisions regarding reclassification that appear in § 78.1 in the definitions of States or areas considered "Class Free," "Class A," "Class B," and "Class C." While we continue to consider it appropriate to remove the provisions themselves from those definitions, for purposes of clarity we are including in those definitions references to the procedures set forth in § 78.40.

Formatting and Terminology Changes

As we discuss above in this "Supplementary Information," since the publication of our December 31, 1985, proposed rule, we have published rulemaking documents that reformatted certain portions of part 78. In addition to the changes we specifically discuss above, we are making certain other nonsubstantive formatting changes in this final rule to conform with the formatting changes already made in part 78.

Additionally, in this final rule we have replaced the term "Deputy Administrator" wherever it appeared in the proposal with the term "Administrator," and have replaced the term "Veterinary Services" with the term "APHIS," to reflect nonsubstantive terminology changes that were made in a separate rulemaking document after publication of our proposal.

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.

There are currently over 1.3 million herds of cattle in the United States. Of these, fewer than 850—less than 1 percent of the total number of herds—are quarantined for brucellosis as affected herds. Additionally, the provisions in 9 CFR Part 51 already require that herd owners develop a herd plan for quarantined herds, in order to receive indemnity for cattle and bison that are destroyed. The remainder of the provisions of this final rule simply clarify the intent of the existing regulations, and are not expected to have an economic impact.

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

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been given the OMB control number 0579-0047.

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 78

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

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

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

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.1 [Amended]

2. In § 78.1, in the definitions of "Class A State or area," "Class B State or area," "Class C State or area," and "Class Free State or area," the introductory text of each of the definitions is amended by removing the second sentence and adding a new second sentence to read as follows: "Any reclassification will be made in accordance with § 78.40 of this part."

3. In § 78.1, in the definitions of "Class A State or area," "Class B State or area," "Class C State or area," and "Class Free State or area," a new paragraph (a)(3)(iii) is added in each of the definitions to read as follows: "(iii) Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator."

4. In § 78.1, in the definitions of "Class A State or area," "Class B State or area," "Class C State or area," and "Class Free State or area," a new paragraph (b)(3) is added in each of the definitions to read as follows:

§ 78.1 Definitions.

* * * * *

Class A State or area. * * *

* * * * *

(b) * * *

(3) All herds known to be affected shall have approved individual herd plans in effect within 15 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

* * * * *

Class B State or area. * * *

* * * * *

(b) * * *

(3) All herds known to be affected shall have approved individual herd plans in effect within 45 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

* * * * *

Class C State or area. * * *

* * * * *

(b) * * *

(3) All herds known to be affected shall have approved individual herd plans in effect within 45 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

* * * * *

Class Free State or area. * * *

(b) * * *

(3) All herds known to be affected shall have approved individual herd plans in effect within 15 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

* * * * *

5. In § 78.1, the definition of "Quarantined area" is revised to read as follows:

§ 78.1 Definitions.

* * * * *

Quarantined area. An area that does not meet the criteria for classification as Class Free, Class A, Class B, or Class C.

* * * * *

6. In § 78.40, the last sentence is revised to read as follows:

§ 78.40 Designations of States/areas.

* * * In the case of any reclassification to a lower class, reclassification as a quarantined State or area, or removal of validated brucellosis-free status, the State animal health official of the State involved will be notified of such reclassification or removal, and will be given an opportunity to present objections and arguments to the Administrator prior to the reclassification or removal taking place.

Done in Washington, DC, this 24th day of October 1991.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-26084 Filed 10-29-91; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 98

[Docket No. 91-020]

RIN 0579-AA35

Importation of Cattle Embryos from Countries Where Rinderpest or Foot-and-Mouth Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending our animal embryo regulations to allow cattle embryos to be imported into the United States from countries where rinderpest or foot-and-mouth disease exists, subject to various restrictions to ensure the embryos' freedom from communicable diseases. These importations have been prohibited. Research with animal embryos now indicates, however, that cattle embryos produced, collected, and handled under certain conditions may be imported from countries where rinderpest or foot-and-mouth disease exists without significant risk of introducing these or other communicable diseases of cattle into the United States. This action will make additional sources of genetic material available to domestic cattle breeders.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Teachman, Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; (301) 436-8590.

SUPPLEMENTARY INFORMATION:

Background

Traditionally, genetic improvements in populations of domestic cattle have been made through the importation of postnatal animals and, more recently, through the importation of animal semen. Embryo transfer technology now offers an efficient and cost-effective alternative. With this technology, embryos can be collected from one cow, frozen, and later thawed and transferred to the reproductive tracts of other cows to complete gestation.

Regulations governing the importation of cattle embryos and certain other animal embryos are contained in 9 CFR part 98. The Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of animal embryos to prevent the introduction of exotic animal diseases into the United States. Before the effective date of this final rule, the importation of cattle embryos from countries where rinderpest or foot-and-mouth disease exists was prohibited.

In the **Federal Register** of November 23, 1990 (55 FR 48854-48863, Docket No. 88-046), we published a document that proposed to amend the regulations to allow the importation of cattle embryos from countries where rinderpest or foot-and-mouth disease exists. This proposal was based on research indicating that these importations can be allowed under certain conditions without significant risk of introducing foot-and-mouth disease, rinderpest, or other communicable diseases of cattle into the United States.[1]

Written comments on the proposed rule were solicited for a 60-day period ending January 22, 1991. Two public hearings were held: One in Denver, Colorado, on December 11, 1990, and one in Washington, DC, on December 14, 1991. We received 14 written comments by the close of the comment period; three individuals spoke at the public hearings. Only 3 commenters opposed the proposed rule. Eight commenters offered suggestions to improve the rule. All of the objections and suggestions are discussed below.

Except for the changes noted in this Supplementary Information section, we are adopting the proposed rule as a final rule for the reasons given in the proposal and in this document.

[1] For more information on the research referred to in this document, see:

1. Singh, E.L. The Disease Control Potential of Embryos. Theriogenology. 27:9-20 (1987).

2. Singh, E.L., McVicar, J.W., Hare, W.C.D. Embryo transfer as a means of controlling the transmission of viral infections. VII. The in-vitro exposure of bovine and porcine embryos to foot-and-mouth disease virus. Theriogenology. 27:587-593 (1986).

3. McVicar, J.W., Singh, E.L., Mebus, C.A., and Hare, W.C.D. Embryo transfer as a means of controlling the transmission of viral infections. VIII. Failure to detect foot-and-mouth disease viral infectivity associated with embryos collected from infected donor cattle. Theriogenology. 26:595-602 (1986).

Copies may be obtained from the sources listed under "FOR FURTHER INFORMATION CONTACT." Further scientific studies, co-funded by the United States Department of Agriculture, Animal and Plant Health Inspection Service; Agriculture Canada, Animal Disease Research Institute; and Secretary of Agriculture, Argentina, have been done by C.A. Mebus, E.L. Singh, J.A. Villar, O. LaPorte, C. Munar, R. Vautier, D. Salamon, N. Caamano, A. Sadir, B. Carrillo, and J. Callis. These studies support the conclusions made in the above listed articles.

Comments

Embryo Collection Teams

We proposed to require that all procedures associated with the production of embryos for importation to the United States be supervised by an official veterinarian. "Official veterinarian" was defined as follows: "As agreed to by APHIS and the national government of the country of origin, either a full-time salaried veterinarian of the national government of the country of origin or a veterinarian employed by the Animal and Plant Health Inspection Service." The proposed rule also required the official veterinarian's signature on the health certificate that must accompany the embryos to the United States.

Three commenters suggested that embryo collection should be accomplished by special embryo collection teams that are officially recognized and approved by the government of an exporting country. Two of these commenters went on to say that if such teams were used, "sanitary guarantees" could be made by a team veterinarian, and the official veterinarian would only be responsible for certifying that the collection team was approved.

We have made no substantive changes based on these comments, since our rule does not preclude the use of embryo collection teams. Under our rule, all procedures associated with collection of embryos for importation into the United States must be performed under the supervision of an official veterinarian. This does not mean that these procedures must be performed *by* an official veterinarian. Further, although the rule requires that an official veterinarian sign the health certificate that accompanies the embryos to the United States, this signature may be an endorsement. Thus, our rule already allows a veterinarian other than an official veterinarian to provide "sanitary guarantees," and this veterinarian could be part of a collection team approved by the national government of an exporting country. We are not requiring that approved embryo collection teams be used because not all countries will have them or wish to use them.

We have edited proposed § 98.14(a) to make it easier to understand who may issue a certificate and whose signatures are required on a certificate. In addition, in various places in the text of the rule we have changed "the official veterinarian" to read "an official veterinarian" to clarify that the duties of