

# Rules and Regulations

Federal Register

Vol. 60, No. 214

Monday, November 6, 1995

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 322

#### Honeybees and Honeybee Semen

#### 9 CFR Part 80

#### Paratuberculosis in Domestic Animals

##### CFR Corrections

In title 7 of the Code of Federal Regulations, parts 300 to 399, revised as of January 1, 1995, on page 288, the text of § 322.1(c) appearing in the second column is corrected to read:

#### § 322.1 Importation of honeybees and honeybee semen.

\* \* \* \* \*

(c) Honeybee semen from any country listed below is designated as a restricted article and may be imported \* \* \*.

\* \* \* \* \*

In title 9 of the Code of Federal Regulations, parts 1 to 199, revised as of January 1, 1995, on page 253, in § 80.4, a portion of paragraph (a), paragraph (b) designation and a portion of text was inadvertently omitted. As corrected paragraphs (a) and (b) should read as follows:

#### § 80.4 Movement of paratuberculosis reactors.

\* \* \* \* \*

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "T" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U.S.B.A.I. Reacted," or "U.S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 80.9, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis; (2) the reactor tag number for each animal and the name of the owner of such animal when it was tested for paratuberculosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are moved.

BILLING CODE 1505-01-D

### Agricultural Marketing Service

#### 7 CFR Part 1131

[Docket No. AO-271-A32; DA-92-24]

#### Milk in the Central Arizona Marketing Area; Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule removes the "associated producer" provisions and revises the producer-handler definition in the Central Arizona Federal milk order. The amendments, which were approved by two-thirds of the producers in the market, are based on proposals presented at a public hearing held in February 1992.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932.

SUPPLEMENTARY INFORMATION: This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amended order will promote

orderly marketing of milk by producers and regulated handlers.

This final rule has been reviewed under Executive Order 12278, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Prior documents in this proceeding: Notice of Hearing: Issued December 21, 1992; published December 30, 1992 (57 FR 62241).

Recommended Decision: Issued December 15, 1993; published December 22, 1993 (57 FR 67703).

Extension of Time for Filing Exceptions: Issued February 4, 1994; published February 14, 1994 (59 FR 6916).

Revised Recommended Decision: Issued November 4, 1994; published November 14, 1994 (59 FR 56414).

Final Decision: Issued September 19, 1995; published September 28, 1995 (60 FR 50139).

#### Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Central Arizona order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.