

affect tobacco growers. Voting in the referendum is voluntary. As discussed in the following section on the Paperwork Reduction Act, the public reporting burden is minimal, an estimated 5 minutes per response. Voting will be conducted by mail. The overall impact of this proposed rule should be minimal on tobacco growers because this rule provides for referenda procedures only and relies on, to a great extent, existing procedures. Accordingly, it has been determined that this rule will not have a significant economic impact on a substantial number of small entities.

A comment period of 10 days is provided for this proposed rule. This period of time is deemed appropriate because the regulations should be in place to conduct the referenda by March 31, 2002, and also there should be sufficient time to make mailing lists to send ballots to producers eligible to vote.

#### Paperwork Reduction Act

The information collections proposed by this rule will be carried out using the referenda procedures of the Farm Service Agency and Form FSA MQ-5, Referendum Ballot. This rule will add no additional burden to that currently approved by OMB and assigned OMB Control Number 0560-0182 under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

#### List of Subjects in 7 CFR Part 29

Administrative practices and procedures, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping procedures, Tobacco.

For the reasons set forth in the preamble, 7 CFR Part 29 is proposed to be amended as follows:

### PART 29—TOBACCO INSPECTION

#### Subpart B—Regulations

1. The authority citation for subpart B is revised to read as follows:

**Authority:** 7 U.S.C. 511m and 511r. Section 29.74a is also issued under sec. 759, Pub. L. 107-76, 115 Stat. 741 (7 U.S.C. 511s).

2. A new § 29.74a is added to read as follows:

#### § 29.74a Producer Referenda on Mandatory Grading.

(a)(1) *Method of conducting.* Referenda shall be conducted among producers persons who were engaged in the production of the following types of tobacco harvested in the immediately preceding crop year: Flue-cured tobacco, types 11, 12, 13, 14; Kentucky-

Tennessee fire-cured tobacco, types 22 and 23; Virginia fire-cured tobacco, type 21; Virginia sun-cured tobacco, type 37; dark air-cured tobacco, types 35 and 36; burley tobacco, type 31; and cigar filler and binder tobacco, types 42, 43, 53, 54, and 55. A referendum will be conducted for each kind of tobacco and the results will apply to each individual kind. A producer is eligible to vote in referenda for each kind of tobacco they produce.

(2) *Farmers engaged in the production of tobacco.* For purposes of the referenda, persons engaged in the production of tobacco includes any person who is entitled to share in a crop of the tobacco or the proceeds thereof because he or she shares in the risks of production of the crop as an owner, landlord, tenant, or sharecropper (a landlord whose return from the crop is fixed regardless of the amount of the crop produced is excluded) on a farm on which such crop is planted in a workmanlike manner for harvest:

Provided, That any failure to harvest the crop because of conditions beyond the control of such person shall not affect his or her status as a person engaged in the production of the crop. In addition, persons engaged in the production of tobacco also includes each person who it is determined would have had an interest as a producer in the crop on a farm for which a farm allotment under the quota program (7 CFR part 723, subpart B) for the crop was established and no acreage of the crop was planted but an acreage of the crop was regarded as planted for history acreage purposes under the applicable Farm Service Agency commodity regulations of the Department of Agriculture.

(3) *One vote limitation.* Each person eligible to vote in a particular referendum shall be entitled to only one vote in such referendum regardless of the number of farms in which such person is interested or the number of communities, counties, or States in which farms are located in which farms that person is interested: Provided, That:

(i) The individual members of a partnership shall each be entitled to one vote, but the partnership as an entity shall not be entitled to vote;

(ii) An individual eligible voter shall be entitled to one vote even though he or she is interested in an entity (including but not limited to a corporation) which entity is also eligible to vote;

(iii) A person shall also be entitled to vote in each instance of his or her capacity as a fiduciary (including but not limited to a guardian, administrator, executor or trustee) if in such fiduciary capacity he or she is eligible to vote but

the person for whom he or she acts as a fiduciary shall not be eligible to vote.

(4) *Joint and family interest.* Where several persons, such as members of a family, have participated or will participate in the production of tobacco under the same lease or cropping agreement, only the person or persons who signed the lease or agreement, or agreed to an oral lease or agreement, shall be eligible to vote. Where two or more persons have produced or will produce tobacco as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise eligible. The eligibility of one spouse does not affect the eligibility of the other spouse.

(5) *Minors.* A minor shall be entitled to one vote if he or she is otherwise eligible and is 18 years of age or older when he or she votes.

(6) *Interpretation.* In the case of tobacco on a farm where no acreage of tobacco is actually planted but an acreage of the commodity is regarded as planted under applicable regulations of the Department of Agriculture, persons on the farm who it is determined would have had an interest in the commodity as a producer if an acreage of the commodity had been actually planted shall be eligible to vote in the referendum.

(b) *Referenda Procedures.* See part 717 of this chapter for eligibility criteria and the procedures to be used in carrying out mandatory grading referenda. Where not inconsistent with this part, the definitions contained in parts 717, 718 and 723 will govern administration of these referenda. A copy of these regulations, a referendum ballot, and voting procedures are available for review in any USDA Service Center.

Dated: January 28, 2002.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 02-2403 Filed 1-29-02; 3:18 pm]

**BILLING CODE 3410-02-P**

### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 01-041-1]

#### Change in Disease Status of Estonia With Regard to Rinderpest and Foot-and-Mouth Disease

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations to add Estonia to the list of regions that are considered free of rinderpest and foot-and-mouth disease. We are taking this action because we have determined that Estonia is free of rinderpest and foot-and-mouth disease. We are also proposing to add Estonia to the list of regions that are subject to certain import restrictions on meat and meat products because of their proximity to or trading relationships with rinderpest-or foot-and-mouth disease-affected countries. These actions would update the disease status of Estonia with regard to rinderpest and foot-and-mouth disease while continuing to protect the United States from an introduction of those diseases by providing additional requirements for any meat and meat products imported into the United States from Estonia.

**DATES:** We invite you to comment on this docket. We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 2, 2002.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01-041-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 01-041-1. If you use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 01-041-1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Hatim Gubara, Staff Veterinarian, Regionalization Evaluation Services Staff, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-5875.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations lists regions of the world that are declared free of rinderpest or free of both rinderpest and FMD. Rinderpest or FMD exists in all other parts of the world not listed. Section 94.11 of the regulations lists regions of the world that have been determined to be free of rinderpest and FMD, but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest-or FMD-affected regions.

In June 1999, the Animal and Plant Health Inspection Service (APHIS) received a request from Estonia's Veterinary and Food Board to recognize Estonia as free of FMD. In response to that request, and based on our review of supporting documentation accompanying the request and information obtained during a site visit, we are proposing to recognize Estonia as free of FMD. In addition, because rinderpest has never been diagnosed in Estonia and is not endemic to that region of the world, we are also proposing to recognize Estonia as free of rinderpest. Finally, we are proposing to add Estonia to the list of rinderpest- and FMD-free regions whose exports of ruminant and swine meat and products to the United States are subject to certain restrictions to ensure against the introduction of those diseases into this country.

Based on the information submitted to us by the Government of Estonia, we have reviewed and analyzed the animal health status of Estonia relative to FMD. Our review and analysis were conducted in light of the factors identified in 9 CFR 92.2, "Application for recognition of the animal health status of a region," which are used to determine the level of risk associated with importing animals or animal products into the United States from a given region. Based on the information

submitted to us, we have concluded the following:

**Veterinary infrastructure.** The veterinary services authorities in Estonia have the legal authority, organization, and infrastructure to detect, control, and eradicate FMD. Estonia's veterinary services are organized under the Veterinary and Food Board and include approximately 209 authorized veterinarians employed by the government, 841 private veterinarians, 43 laboratory veterinarians, and a number of trained technicians. Authorized veterinarians are distributed among 15 districts within Estonia, each of which falls under the supervision of a District Veterinary Officer (DVO). Each DVO reports directly to the Director General of the Central Veterinary Office. In the event of an animal disease emergency, the Minister of Agriculture delegates authority to the Veterinary and Food Board to implement control measures. The Veterinary and Food Board has the authority to call on private veterinary practitioners, police, and local authorities to provide support to the Central Veterinary Office in depopulating infected premises, disposing of animal carcasses, and controlling and restricting animal movements.

**Disease history and surveillance.** The last outbreak of FMD in Estonia occurred in 1982 and was traced to its origin in Latvia. Although Estonia has been declared free of FMD by the Office of International des Epizooties (OIE), an active surveillance program continues to be carried out by the Government of Estonia through the testing and monitoring of all herds for FMD.

**Diagnostic capabilities.** Estonia has the authority, personnel, and diagnostic capabilities to test herds for, and diagnose, FMD. Government-operated laboratories in Estonia work in close contact with international laboratories to confirm diagnoses and type-specific foreign animal pathogens.

**Vaccination status.** Vaccination against FMD is neither permitted nor practiced in Estonia. Emergency vaccination against FMD may be undertaken at the discretion of the Minister of Agriculture in the event of a risk of an extensive outbreak of the disease. Emergency vaccination against FMD was last implemented during the outbreak of FMD in 1982.

**Disease status of adjacent regions.** Estonia shares land borders with Latvia and Russia, neither of which is recognized by APHIS as being free of FMD. Estonia is also located south of Finland across the Baltic Sea and the

Gulf of Finland. Finland is recognized by APHIS as being free of FMD.

*Degree of separation from adjacent regions.* Estonia is sufficiently separated from regions of higher risk by numerous lakes and extensive forest and woodland areas located throughout the country.

*Movement across borders.* The movement of animals and animal products into Estonia from regions of higher disease risk is strictly controlled. Estonia has 20 animal inspection border posts located in Estonia with a veterinarian on duty at each to perform health examinations of live animals and inspect animal products. All live animals and animal products imported into Estonia require an animal health permit issued by a DVO.

Estonia does not permit the importation of live animals from Latvia, and does not permit the importation of live animals or animal products from Russia. Competition horses, however, are allowed to enter Estonia from Latvia and Russia when accompanied by the appropriate transit permits and health certificates.

*Livestock demographics and marketing practices.* Estonia has a total of 271,883 head of cattle, 304,000 pigs, 21,250 sheep, 1,116 goats, 2.43 million poultry, and 5,100 horses. The DVOs maintain an adequate system for identifying and tracking cattle and swine herds. There is no known feature of livestock production in the country that increases the risk of disease spread.

*Detection and eradication of disease.* FMD is a compulsorily notifiable disease in Estonia. The veterinary services in Estonia possess the authority, diagnostic capability, and personnel to rapidly detect, contain, and eradicate any incursion of FMD that might occur.

These findings are described in further detail in a qualitative evaluation that may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. This evaluation may also be viewed on the Internet at <http://www.aphis.usda.gov/vs/reg-request.html> by following the link for current requests and supporting documentation. The qualitative evaluation documents the factors that have led us to conclude that Estonia is free of FMD. As noted previously, rinderpest has never occurred in Estonia and is not endemic to Eastern Europe. Therefore, we are proposing to recognize Estonia as free of rinderpest and FMD and add the country to the list in § 94.1(a)(2) of regions that are considered free of rinderpest and FMD.

These proposed actions would relieve certain restrictions due to FMD and rinderpest on the importation into the

United States of certain live animals and animal products from Estonia. However, because Estonia shares common land borders with countries not considered free of rinderpest and FMD, the importation of meat and other products from ruminants and swine into the United States from Estonia would continue to be subject to certain restrictions.

Specifically, we are proposing to add Estonia to the list in § 94.11(a) of regions declared free of rinderpest and FMD but that are subject to special restrictions on the importation of their meat and other animal products into the United States. The regions listed in § 94.11(a) are subject to these special restrictions because they: (1) Supplement their national meat supply by importing fresh (chilled or frozen) meat of ruminants or swine from regions that are designated in § 94.1(a) as regions where rinderpest or FMD exists, (2) have a common land border with regions where rinderpest or FMD exists, or (3) import ruminants or swine from regions where rinderpest or FMD exists under conditions less restrictive than would be acceptable for importation into the United States.

Estonia has common land borders with countries not considered free of FMD. As a result, there is some risk that the meat and other animal products produced by Estonia could be commingled with the fresh (chilled or frozen) meat of animals from a region in which FMD exists and present an undue risk of introducing FMD into the United States if imported without restriction.

Under § 94.11, meat and other animal products of ruminants and swine, including ship stores, airplane meals, and baggage containing these meat or animal products, may not be imported into the United States except in accordance with § 94.11 and the applicable requirements of the USDA's Food Safety and Inspection Service at 9 CFR chapter III.

Section 94.11 generally requires that the meat and other animal products of ruminants and swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certificate, issued by a full-time salaried veterinary official of the national government of the exporting region, assuring that the meat or other animal products have not been commingled with or exposed to meat or other animal products originating in, imported from, transported through, or that have otherwise been in a region where rinderpest or FMD exists.

### Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are proposing to amend the regulations by adding Estonia to the list of regions that are considered free of rinderpest and FMD. We are taking this action because we have determined that Estonia is free of rinderpest and FMD. We are also proposing to add Estonia to the list of regions that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest-or FMD-affected countries. These actions would update the disease status of Estonia with regard to rinderpest and FMD while continuing to protect the United States from an introduction of those diseases by providing additional requirements for any meat and meat products imported into the United States from Estonia.

The following analysis addresses the potential economic effects of this proposed rule on small entities, as required by the Regulatory Flexibility Act.

Currently, Estonia is not included in the list of regions that are considered free of rinderpest and FMD. This proposal would add Estonia to the list of regions that are considered free of rinderpest and FMD and add the country to the list of regions subject to certain restrictions because of their proximity to or trading relationships with rinderpest-or FMD-affected countries. This proposed rule would allow for the importation into the United States of ruminants and swine and any fresh (chilled or frozen) meat or other products of any ruminant or swine from Estonia under certain restrictions.

We do not expect that this proposed rule would have a significant economic impact on any entities, large or small, in the United States. Estonia does not produce sufficient quantities of ruminants or swine, or products of ruminants or swine, to significantly affect the U.S. market even if all of Estonia's production were exported to the United States.<sup>1</sup> For example, Estonia's production of beef and veal, mutton and lamb, and pigmeat (51,120 metric tons) was equivalent to less than 0.5 percent of those commodities produced in the United States in 2001. During the same period, Estonia's stock

<sup>1</sup> Realistically, not all of Estonia's production would be exported to the United States. Some of Estonia's production would be consumed domestically and some would be exported to countries other than the United States.

of live cattle, sheep, and pigs (585,200 head) was equivalent to less than 0.5 percent of comparable stock in the United States. Similarly, Estonia's milk production (690,000 metric tons) was less than 1 percent of the total production of milk in the United States in 2001.<sup>2</sup>

### Small Entity Impact

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small entities. Given the small amount of Estonia's production, domestic producers in the United States are unlikely to be affected in any measurable way. Other entities that might be affected are brokers, agents, and others in the United States who would become involved in any future importation and sale of ruminants or swine or products of ruminants or swine from Estonia. The number and size of those entities is unknown, but it is reasonable to assume that most of those entities would be small according to the standards set by the U.S. Small Business Administration. However, for the reasons discussed above, any economic impact on those entities, as well as any other affected entities in the United States, should be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

### Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### List of Subjects in 9 CFR Part 94

Animal disease, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

## PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

### § 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) would be amended by adding, in alphabetical order, the word "Estonia,".

### § 94.11 [Amended]

3. In 94.11, paragraph (1), the first sentence would be amended by adding, in alphabetical order, the word "Estonia,".

Done in Washington, DC, this 28th day of January 2002.

**W. Ron DeHaven,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02-2493 Filed 1-31-02; 8:45 am]

**BILLING CODE 3410-34-U**

## DEPARTMENT OF THE TREASURY

### Customs Service

### 19 CFR Parts 24, 123, 132, and 142

### RIN 1515-AC92

### Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program

**AGENCY:** Customs Service, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the Customs Regulations to provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the U.S. Like the present Line Release Program, the proposed BRASS Program will continue to provide for the expedited processing, through the use of computers and bar-code technology, of certain high-volume, repetitively-shipped merchandise that is imported at designated locations. The proposed BRASS Program regulations also will provide for the centralized processing of

applications for BRASS processing privileges, and afford administrative appeal rights to applicants who are denied participation in the BRASS Program and to participants whose BRASS processing privileges are subsequently revoked.

**DATES:** Comments must be received on or before April 2, 2002.

**ADDRESSES:** Written comments may be addressed to, and inspected at, U.S. Customs Service, Office of Regulations and Rulings—Regulations Branch, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

### FOR FURTHER INFORMATION CONTACT:

Enrique S. Tamayo, Office of Field Operations, Trade Programs, Cargo Release Branch; (202) 927-3112.

### SUPPLEMENTARY INFORMATION:

### Background

In 1992, Customs amended the Customs Regulations at part 142 (19 CFR part 142), which pertains to the entry process, to add a new subpart D to provide for the Line Release method of processing certain shipments of merchandise entering the U.S. *See*, T.D. 92-93. Line Release is an automated system designed to release and track, through the use of personal computers and bar-code technology, shipments of merchandise deemed by Customs to be repetitive and high-volume and that are imported at designated locations. Line Release was implemented as a Disc Operating System (DOS)-based program that interfaces with the Automated Commercial System (ACS). In 1999, the use of Line Release at certain high-risk locations along the land borders of the U.S. for shipments was conditioned on the imported merchandise being transported by carriers that participated in the Land Border Carrier Initiative Program (LBCIP). *See*, T.D. 99-2.

In the mid 1990s, Customs began developing the Border Release Advanced Screening and Selectivity (BRASS) Program. Like the present Line Release Program, the proposed BRASS Program will continue to provide for the expedited processing, through the use of computers and bar-code technology, of certain high-volume, repetitively-shipped merchandise that is imported at designated locations. Transactions may continue to be designated for either release under entry summary or release for immediate delivery. However, the BRASS Program is a windows-based program designed to improve and replace the DOS-based Line Release Program.

The proposed BRASS Program also improves upon the Line Release Program in two areas. First, the

<sup>2</sup> Source: Food and Agriculture Organization of the United Nations.