

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01-094-2]

Change in Disease Status of Japan Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations by adding Japan to the list of regions where bovine spongiform encephalopathy exists because the disease had been detected in a native-born animal in that region. The effect of the interim rule was a restriction on the importation of ruminants that have been in Japan and meat, meat products, and certain other products of ruminants that have been in Japan. The interim rule was necessary in order to help prevent the introduction of bovine spongiform encephalopathy into the United States.

EFFECTIVE DATE: The interim rule became effective on September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export,

Sanitary Issues Management Staff, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-4356.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective September 10, 2001, and published in the **Federal Register** on October 16, 2001 (66 FR 52483-52484, Docket No. 01-094-1), we amended the regulations by adding Japan to the list in § 94.18(a)(1) of regions where bovine spongiform encephalopathy (BSE) is known to exist. Due to the detection of BSE in a native-born animal in that region, the interim rule was necessary to help prevent the introduction of BSE into the United States.

Comments on the interim rule were required to be received by December 17, 2001. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866 and 12988 and the Paperwork Reduction Act. Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the regulations by adding

Japan to the list of regions where BSE exists because the disease had been detected in a native-born animal in that region. The effect of the interim rule was a restriction on the importation of ruminants that have been in Japan and meat, meat products, and certain other products of ruminants that have been in Japan. The interim rule was necessary to help prevent the introduction of BSE into the United States.

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

The interim rule is expected to have an insignificant impact on U.S. entities because ruminants and ruminant products are either not imported from Japan or imported in very small amounts, as shown in table 1. The only category of commodities that Japan has been supplying in greater-than-negligible amounts is animal feed preparations other than dog and cat food (Harmonized Tariff Schedule 230990). For this category, Japan supplied about 5 percent of imports, by value, over the 3-year period 1998-2000. However, this level is not significant, particularly when considered in terms of the value of U.S. domestic shipments of animal feed preparations other than dog and cat food.

TABLE 1.—THE VALUE OF U.S. IMPORTS OF RUMINANTS AND RUMINANT PRODUCTS FROM JAPAN, 1998-2000

	Imports from Japan (million dollars)	Total imports (million dollars)	Percentage from Japan
Live ruminants:			
Bovine		\$3,312	0
Sheep and goats		17	0
Meat and meat byproducts:			
Beef fresh/chilled	\$2.000	2,760	0.07
Beef frozen		2,977	0
Sheep or goat meat		575	0
Edible animal offal		251	0
Salted or dried bovine meat		9	0
Other of animal origin	1.000	224	0.45
Sausage and similar prepared meat		56	0
Other bovine meat	0.006	651	<0.01
Animal feed: dogs and cats	0.074	413	0.02
Animal feed: other	36.000	681	5.29

Source: U.S. Bureau of the Census, as reported in the World Trade Atlas.

The average annual value of imports of ruminants and ruminant products from Japan between 1998 and 2000 was approximately \$12 million. This amount is less than 0.1 percent of \$19.17 billion, the value of U.S. shipments of animal feed preparations other than dog and cat food in 1997 (the year of the last

economic census conducted by the Bureau of the Census).

The Regulatory Flexibility Act requires that agencies consider the effects of their rules on small entities. An industry that could be affected by the interim rule is Other Animal Food Manufacturing (NAICS code 311119),

for which the small entity criterion is 500 or fewer employees. The 1997 Economic Census reports that all of the 1,514 Other Animal Food Manufacturing establishments had 500 or fewer employees. However, the relatively small quantity of animal feed preparations other than dog and cat food

imported from Japan would suggest that the number of these establishments affected would not be substantial, and those that are would not be affected significantly.

The interim rule's restrictions on the importation of ruminants and ruminant products and byproducts from Japan due to BSE are expected to have an insignificant effect on small entities. The only category of prohibited products for which Japan has a history of export to the United States of greater-than-negligible value is animal feed preparations other than dog and cat food. However, imports of these products from Japan comprise less than 0.1 percent of U.S. domestic shipments.

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.

List of Subjects in 9 CFR Part 94

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

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

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 94 and that was published at 66 FR 52483–52484 on October 16, 2001.

Authority: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 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.

Done in Washington, DC, this 19th day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

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FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T]

Credit by Brokers and Dealers; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Foreign Margin Stocks (Foreign List) is composed of certain foreign equity securities that qualify as *margin securities* under Regulation T. The Foreign List is published twice a year by the Board.

EFFECTIVE DATE: March 1, 2002.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Financial Analyst, Division of Banking Supervision and Regulation, (202) 452–2837, or Scott Holz, Senior Counsel, Legal Division, (202) 452–2966, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Listed below is a complete edition of the Board's Foreign List. The Foreign List was last published on August 24, 2001 (66 FR 44525), and become effective September 1, 2001.

The Foreign List is composed of foreign equity securities that qualify as margin securities under Regulation T by meeting the requirements of § 220.11(c) and (d). Additional foreign securities qualify as margin securities if they are deemed by the Securities and Exchange Commission (SEC) to have a "ready market" under SEC Rule 15c3–1 (17 CFR 240.15c3–1) or a "no-action" position issued thereunder. This includes all foreign stocks in the FTSE World Index Series.

It is unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the Foreign List is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the Foreign List or the stocks thereon shall be an unlawful representation.

There are not additions to the Foreign List. The following six stocks are being removed because they no longer substantially meet the provisions of § 220.11(d) of Regulation T:

Hitachi Transport System, Ltd., ¥50 par common
Hokuetsu Bank, Ltd., ¥50 par common
Kiyo Bank, Ltd., ¥50 par common
Max Co., Ltd., ¥50 par common
Ryosan Co., Ltd., ¥50 par common
Yamanashi Chuo Bank, Ltd., ¥50 par common

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public

participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Foreign List specified in § 220.11(c) and (d). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in a part upon the composition of the Foreign List as soon as possible. The Board has responded to a request by the public and allowed approximately a one-week delay before the Foreign List is effective.

List of Subjects in 12 CFR Part 220

Brokers, Credit, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 220.2 and 220.11, there is set forth below a complete edition of the Foreign List.

Japan

Akita Bank, Ltd., ¥50 par common
Aomori Bank, Ltd., ¥50 par common
Asatsu–DK Inc., ¥50 par common
Bandai Co., Ltd., ¥50 par common
Bank of Nagoya, Ltd., ¥50 par common
Chudenko Corp., ¥50 par common
Chugoku Bank, Ltd., ¥50 par common
Clarion Co., Ltd., ¥50 par common
Daihatsu Motor Co., Ltd., ¥50 par common
Dainippon Screen Mfg. Co., Ltd., ¥50 par common
Denki Kagaku Kogyo, ¥50 par common
Eighteenth Bank, Ltd., ¥50 par common
Futaba, Corp., ¥50 par common
Futaba Industrial Co., Ltd., ¥50 par common
Higo Bank, Ltd., ¥50 par common
Hitachi Software Engineering Co., Ltd., ¥50 par common
Hokkoku Bank, Ltd., ¥50 par common
Hokuetsu Paper Mills, Ltd., ¥50 par common
Iyo Bank, Ltd., ¥50 par common
Japan Airport Terminal Co., Ltd., ¥50 par common
Juroku Bank, Ltd., ¥50 par common
Kagoshima Bank, Ltd., ¥50 par common
Kamigumi Co., Ltd., ¥50 par common
Katokichi Co., Ltd., ¥50 par common
Keisei Electric Railway Co., Ltd., ¥50 par common
Keiyo Bank, Ltd., ¥50 par common
Komori Corp., ¥50 par common
Konami Co., Ltd., ¥50 par common
Kyowa Exeo Corp., ¥50 par common
Matsushita Seiko Co., Ltd., ¥50 par common
Michinoku Bank, Ltd., ¥50 par common
Musashino Bank, Ltd., ¥50 par common