

(1) Loss deductible clauses for required insurance coverage may not exceed the higher of 1% of the face value of the policy or \$1,000 unless state law requires a higher maximum deductible amount.

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Dated: December 27, 2004.

**Russell T. Davis,**

*Administrator, Rural Housing Service.*

[FR Doc. 05-2429 Filed 2-7-05; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 53 and 71

[Docket No. 02-091-2]

#### Spring Viremia of Carp; Payment of Indemnity

**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 general indemnity regulations to provide for the payment of indemnity to owners for fish destroyed because of spring viremia of carp. We also amended the interstate movement regulations to prevent the movement of fish infected with or exposed to spring viremia of carp. These actions were necessary to help control and eradicate this disease in the United States.

**DATES:** *Effective Date:* The interim rule became effective on May 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jill Rolland, Fishery Biologist, Certification and Control Team, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737-1231; (301) 734-7727.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule effective May 12, 2004, and published in the **Federal Register** on May 17, 2004 (69 FR 27823-27827, Docket No. 02-091-1), we amended the general indemnity regulations contained in 9 CFR part 53 to provide for the payment of indemnity to owners for fish destroyed because of spring viremia of carp (SVC). We also amended the interstate movement regulations to prevent the movement of fish infected with or exposed to SVC. These actions were necessary to help

control and eradicate this disease in the United States.

Comments on the interim rule were required to be received on or before July 16, 2004. We received one comment by that date, from a private citizen. This commenter raised several issues related to the interim rule. These issues are discussed below.

The commenter objected to payment of indemnity to eligible owners on the grounds that such payment is contrary to the public interest and will only reward poor practice among aquaculturists. We believe that payment of indemnity is necessary to provide an incentive for aquaculturists to participate in the surveillance and eradication program and thus to ensure the success of the program. We are making no changes to the rule in response to this comment.

The commenter stated that since fish destroyed as a result of infection or exposure to SVC may be sold for rendering or salvage value, the payment received for such sales should be all the recompense aquaculturists receive. We note that not all fish destroyed because of SVC may be sold for rendering or salvage value, such as ornamental fish infected with SVC. The regulations provide that any salvage value collected for fish destroyed because of SVC will be subtracted from the amount of any indemnity payment a producer may receive.

The commenter stated that the United States Department of Agriculture should neither support aquaculture nor extend payment of indemnity to aquaculturists because fish are not livestock. We point out that the National Aquaculture Act of 1980, as amended by the National Aquaculture Improvement Act of 1985 (16 U.S.C. 2801-2810), requires the Secretary to support and develop aquaculture programs. Furthermore, the Animal Health Protection Act (7 U.S.C. 8301-8317), from which the Animal and Plant Health Inspection Service (APHIS) derives its authority to regulate matters associated with animal health, defines livestock as "all farm-raised animals." We interpret this to mean aquatic as well as terrestrial animals. We are making no changes to the rule in response to this comment.

The commenter further stated that the importation of carp should be prohibited and carp should be banned in the United States. We believe such measures to be unwarranted. We are making no changes to the rule in response to this comment.

The commenter noted that since the disease survives in mud and water, eradication would be impossible or at least expensive. We note that there are

two treatments available to control the survival of the virus in mud and water. Depending on the size of the pond, it may simply be allowed to dry out, or it may be treated with slaked lime, which raises the pH of the pond, penetrates the mud, and renders the virus inactive. Neither of these treatments is difficult or excessively expensive. We are making no changes to the rule in response to this comment.

The commenter also objected to the practice of aquaculture on the grounds that it represents an environmental threat. We note that APHIS's mission is to protect plant and animal health, not to dictate the means by which plants and animals are raised, unless those means pose a risk to plant or animal health. We do not believe that aquaculture in itself poses an inherent risk to the health of fish so raised. We are making no changes to the rule in response to this comment.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, this action has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

#### List of Subjects

##### 9 CFR Part 53

Animal diseases, Indemnity payments, Livestock, Poultry and poultry products.

##### 9 CFR Part 71

Animal disease, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

#### PART 71—GENERAL PROVISIONS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR parts 53 and 71 and that was published at 69 FR 27823-27827 on May 17, 2004.

Done in Washington, DC, this 2nd day of February 2005.

**Elizabeth E. Gaston,**

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

[FR Doc. 05-2323 Filed 2-7-05; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 327

[Docket No. 99-018F]

#### Addition of Slovakia to the List of Countries Eligible To Export Meat Products to the United States

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is adding Slovakia to the list of countries eligible to export meat products to the United States. Reviews of Slovakia's laws, regulations, and other written materials show that its meat processing system meets requirements that are equivalent to the relevant provisions of the Federal Meat Inspection Act (FMIA) and its implementing regulations.

Meat products processed in certified establishments in Slovakia will be eligible to be exported to the United States only if these products are derived from cattle, sheep, swine, or goats slaughtered in federally inspected establishments in the United States, or in certified slaughter establishments in other countries eligible to export meat to the United States. All meat products exported from Slovakia to the United States will be subject to reinspection at the U.S. ports-of-entry by FSIS inspectors as required by law.

**EFFECTIVE DATE:** April 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sally White, Director, International Equivalence Staff, Office of International Affairs; (202) 720-6400.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 13, 2001, FSIS published a proposal in the **Federal Register** (66 FR 42472) to add Slovakia to the list of countries eligible to export meat and meat products to the United States. As discussed in that proposed rulemaking, in 1993, the country formerly known as Czechoslovakia split into two separate countries, the Czech Republic and Slovakia. Although Czechoslovakia had been listed as eligible to export meat and meat products to the United States

since 1972, the part of the country that became Slovakia had never had any establishments certified to export meat or meat products to the United States. Thus, FSIS did not have sufficient information about Slovakia's meat inspection system to determine whether it was equivalent to the U.S. system. Therefore, the Agency required that Slovakia request and receive approval from FSIS before it could be deemed eligible to export meat and meat products to the United States.

In the proposed rule, FSIS reported that Slovakia had met the certification requirements imposed in the United States' meat inspection regulations, that its meat processing inspection system is equivalent to that of the United States, and that its official residue control laboratory is fully capable of testing meat food products. Therefore, FSIS proposed to permit Slovakia to export processed meat products to the United States.

Because only one pork processing establishment in Slovakia had requested certification to export meat products to the United States, Slovakia requested that FSIS evaluate and approve only its meat processing inspection system. Thus, FSIS' equivalence evaluation of Slovakia's meat inspection system did not include a review of the slaughter inspection component. As a result, the carcasses or parts of any cattle, sheep, swine, or goats processed in establishments in Slovakia approved to export to the United States must be derived from animals slaughtered in the United States under USDA inspection or in establishments in other countries that are certified as eligible to export to the United States. The government of Slovakia has agreed to conduct its program in a way that ensures that meat products processed in Slovakia are only prepared from cattle, sheep, swine, or goats that were slaughtered in certified establishments in eligible countries. If FSIS were to evaluate Slovakia's slaughter inspection system and determine that it is equivalent to that of the United States, the Agency would conduct a separate rulemaking.

Therefore, when this rule becomes effective, meat products processed in certified establishments in Slovakia will be eligible for exportation to the United States only if these products are derived from cattle, sheep, swine, or goats slaughtered in federally inspected establishments in the United States, or in certified slaughter establishments in other countries eligible to export meat to the United States.

## Comments

FSIS received 36 comments on the proposed rule. Most were from private citizens and individual members of a women's agricultural organization, a few were from small cattle producers, and one was from a national cattle producer trade association. All commenters opposed adding Slovakia to the list of countries eligible to export meat and meat products into the United States.

*Comment:* Most of the commenters opposed the proposed rule because, at the time that the rule was published, Slovakia was listed in USDA's Animal and Plant Health Inspection Service (APHIS) regulations as a region that presents an undue risk of introducing bovine spongiform encephalopathy (BSE) into the United States (9 CFR 94.18(a)(2)). After publication of the proposed rule, APHIS amended its regulations to add Slovakia to the list of countries in which BSE is known to exist (9 CFR 94.18(a)(1)). The commenters stated that, because of Slovakia's BSE status, it should remain ineligible to export meat and meat products to the United States under FSIS' regulations.

One commenter opposed permitting Slovakia to export meat and meat products to the United States because Slovakia is not listed by APHIS as a region that is free from foot and mouth disease (FMD)(9 CFR 94.1). The commenter stated that if Slovakia were listed as eligible to export meat and meat products to the United States, there is a risk that these products could introduce FMD to the United States.

*Response:* FSIS considered both BSE and FMD risk in its evaluation process for meat products currently proposed for importation into the United States from Slovakia.<sup>1</sup> Although Slovakia would be listed in FSIS' regulations as eligible to export meat products to the United States, FSIS' regulations that list countries eligible to export products of cattle, sheep, swine, and goats to the United States do not authorize the entry of products that are ineligible for importation into the United States because they are from countries in which certain contagious and communicable diseases, such as FMD, exist as provided in 9 CFR part 94 (see 9 CFR 327.2(b)). Meat products must comply with all U.S. requirements prior to entry. Before a shipment of meat or meat products may be presented for reinspection at the port-of entry by FSIS,

<sup>1</sup> Currently, the one establishment that would be certified to export meat food products from Slovakia to the United States intends to export only pork products.