

paragraph (b)(5) to read as set forth below.

§ 1.131 Scope and applicability of this subpart.

\* \* \* \* \*

(b) \* \* \*

(5) Adjudicatory proceedings under the regulations promulgated under sections 901-905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note) pertaining to the commercial transportation of equines to slaughtering facilities (9 CFR part 88); and

\* \* \* \* \*

Done in Washington, DC, this 8th day of August, 2005.

Mike Johanns,

Secretary of Agriculture.

[FR Doc. 05-16011 Filed 8-11-05; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 04-068-2]

Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correcting amendment.

SUMMARY: We are correcting an error in an interim rule that amended the bovine tuberculosis regulations regarding State and zone classifications. This interim rule was published in the Federal Register on July 22, 2005 (70 FR 42259-42261, Docket No. 04-068-1).

DATES: This correction is effective August 12, 2005. We invite you to comment on the interim rule (Docket No. 04-068-1), as corrected by this document. We will consider all comments that we receive by September 20, 2005.

ADDRESSES: You may submit comments by any of the following methods:

- EDOCKET: Go to http://www.epa.gov/feddoCKET to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies)

to Docket No. 04-068-1, 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. 04-068-1.

• Federal eRulemaking Portal: Go to http://www.regulations.gov and follow the instructions for locating this docket and submitting comments.

Reading Room: 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.

Other Information: You may view APHIS documents published in the Federal Register and related information on the Internet at http://www.aphis.usda.gov/ppd/rad/webpor.html.

FOR FURTHER INFORMATION CONTACT: Dr. M.J. Gilsdorf, Director, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-6954.

SUPPLEMENTARY INFORMATION: We published in the Federal Register on July 22, 2005 (70 FR 42259-42261, Docket No. 04-068-1), an interim rule that amended the bovine tuberculosis regulations (9 CFR part 77) by removing New Mexico from the list of modified accredited advanced States in § 77.9(a) and adding part of New Mexico to the list of modified accredited advanced zones in § 77.9(b) and the remainder of New Mexico to the list of accredited free zones in § 77.9(b).

There is one error in that document. In § 77.9, paragraph (a) lists the States which meet the criteria for modified accredited advanced States. When we set out the revised § 77.9(a), we inadvertently included California on the list of modified accredited advanced States. California was designated as an accredited free State in an interim rule published in the Federal Register on April 15, 2005 (70 FR 19877-19878, Docket No. 05-010-1). This document corrects that error by removing California from the list in § 77.9(a).

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, 9 CFR part 77 is corrected by making the following correcting amendments:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

2. In § 77.9, revise paragraph (a) to read as follows:

§ 77.9 Modified accredited advanced States or zones.

(a) The following are modified accredited advanced States: Texas.

\* \* \* \* \*

Done in Washington, DC, this 8th day of August 2005.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05-16014 Filed 8-11-05; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 05-009-2]

Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States

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 brucellosis regulations concerning the interstate movement of swine by adding Florida to the list of validated brucellosis-free States. The interim rule was based on our determination that Florida meets the criteria for classification as a validated brucellosis-free State. That action relieved certain restrictions on the interstate movement of breeding swine from Florida.

DATES: The interim rule became effective on May 2, 2005.

FOR FURTHER INFORMATION CONTACT: Dr. John Korslund, Staff Veterinarian (Swine Health), Aquaculture, Swine, Equine, and Poultry Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737-1231; (301) 734-5914.

SUPPLEMENTARY INFORMATION:

## Background

Brucellosis is a contagious disease caused by bacteria of the genus *Brucella*. The disease mainly affects cattle, bison, and swine, but goats, sheep, horses, and even humans are susceptible. In its principal animal hosts, it causes loss of young through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. There is no economically feasible treatment for brucellosis in livestock. In humans, brucellosis initially causes flu-like symptoms, but the disease may develop into a variety of chronic conditions, including arthritis. Humans can be treated for brucellosis with antibiotics.

The brucellosis regulations in 9 CFR part 78 (referred to below as the regulations) contain specific provisions for cattle, bison, and swine. Under the regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for animals are based upon the disease status of the individual animals or the herd or State from which the animal originates.

In an interim rule effective and published in the **Federal Register** on May 2, 2005 (70 FR 22588–22589, Docket No. 05–009–1), we amended the regulations by adding Florida to the list of validated swine brucellosis-free States in § 78.43.

Comments on the interim rule were required to be received on or before July 1, 2005. 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 Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

### List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

## PART 78—BRUCELLOSIS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 70 FR 22588–22589 on May 2, 2005.

Done in Washington, DC, this 5th day of August 2005.

**Elizabeth E. Gaston,**

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

[FR Doc. 05–16013 Filed 8–11–05; 8:45 am]

**BILLING CODE 3410–34-P**

## NUCLEAR WASTE TECHNICAL REVIEW BOARD

### 10 CFR Part 1303

#### Rule Implementing the Freedom of Information Act

**AGENCY:** U.S. Nuclear Waste Technical Review Board.

**ACTION:** Final act.

**SUMMARY:** This document institutes the Board's final rule to implement a set of procedural regulations under the Freedom of Information Act (FOIA) in accordance with 5 U.S.C. 552, the Freedom of Information Act, and Public Law 104–231, the Electronic Freedom of Information Act Amendments of 1996. These regulations were written to conform to the statutory provisions in the Acts, to expedite the processing of FOIA requests received by the Board, and to ensure the proper dissemination of information to the public.

**DATES:** Effective August 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** Victoria Reich at (703) 235–4473.

**SUPPLEMENTARY INFORMATION:** The proposed rule was published in the December 29, 2004 **Federal Register** (69 FR 77956) for a six-week public comment period. A copy of the proposed rule was also posted on the Board's Web site and on the Federal Rulemaking Portal.

This rule sets forth the procedures for members of the public to request records from the U.S. Nuclear Waste Technical Review Board under both the Freedom of Information Act and the Electronic Freedom of Information Act Amendments of 1996. The rule also describes the procedures that the Board will use when responding to such requests. It sets up the time frames for responses and the current fee schedule for applicable charges for information. The rule also supplies information about Board materials available to the public through both the Board's reading room and its Web site.

The Board received several comments on the proposed rule. Its responses to those comments are detailed below.

1. The Board modified § 1303.106 Responsibility, form, and content of responses. To ensure that its record search was not inappropriately limited,

the Board substituted "When determining which records are responsive to a request, the Board will include only records in its possession as of the date of the search." for "When determining which records are responsive to a request, the Board will include only records in its possession as of the date receipt of the request."

2. The Board added additional language to § 1303.106(c) Responsibility, form, and content of responses to clarify its procedure for dealing with records containing nonpublic information obtained from other federal agencies.

3. The Board modified § 1303.107(e)(3) Timing of responses to requests. To make explicit its intent to expedite a broad range of requests, the Board substituted "[A] requestor under § 1303.108 must demonstrate that their professional activity involves news reporting or otherwise disseminating information to the public," for "[A] requestor under § 1303.108 must establish that his/her professional activity is news reporting."

4. The board modified § 1303.109(a) Restrictions of charging fees. To clarify that it would not charge fees for certain searches, the Board substituted "No search or review fee shall be charged for requests by educational institutions, noncommercial scientific institutions, and representatives of the news media." for "No review fee shall be charged for requests by educational institutions, noncommercial scientific institutions, and representatives of the news media."

The Board has made two additional changes to the rule not considered to be substantive.

1. The mailing address for § 1303.105(a)(2) Requests for Board records was incorrect. It has been corrected to read, "Send an e-mail request to [foia@nwtrb.gov](mailto:foia@nwtrb.gov)."

2. Because of problems with the receipt of excessive e-mails to [foia@nwtrb.gov](mailto:foia@nwtrb.gov) not relating to the regulation, the Board has decided to amend § 130.105(a)(2) Requests for Board records and § 1303.114(a)(ii) Appeals by specifying that the acronym FOIA or words Freedom of Information Act must appear in the subject line.

### Executive Order No. 12866

These proposed regulations do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, review by the Office of Management and Budget is not required.

### Regulatory Flexibility Act

These proposed regulations will not have a significant economic impact on a substantial number of small entities.