

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 71, 83, and 93

[Docket No. APHIS–2007–0038]

RIN 0579–AC74

#### Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish

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

**ACTION:** Interim rule; delay of effective date.

**SUMMARY:** On September 9, 2008, we published an interim rule in the **Federal Register** to restrict the interstate movement and importation into the United States of live fish that are susceptible to viral hemorrhagic septicemia, a highly contagious disease of certain freshwater and saltwater fish. That interim rule was scheduled to become effective on November 10, 2008. Subsequently, on October 28, 2008, we published a notice in the **Federal Register** announcing the delay of the effective date of the interim rule until January 9, 2009. We are now delaying the effective date of the interim rule indefinitely to provide APHIS with time to make some adjustments to the interim rule that are necessary for the rule to be successfully implemented.

**DATES:** The effective date for the interim rule amending 9 CFR parts 71, 83, and 93, published at 73 FR 52173–52189 on September 9, 2008, is delayed indefinitely.

**FOR FURTHER INFORMATION CONTACT:** Dr. P. Gary Egrie, Senior Staff Veterinary Medical Officer, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737–1231; (301) 734–0695; or Dr. Peter L. Merrill, Senior Staff

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#### SUPPLEMENTARY INFORMATION:

##### Background

Viral hemorrhagic septicemia (VHS) is a highly contagious disease of certain freshwater and saltwater fish, caused by a rhabdovirus. It is listed as a notifiable disease by the World Organization for Animal Health. The pathogen produces variable clinical signs in fish including lethargy, skin darkening, exophthalmia, pale gills, a distended abdomen, and external and internal hemorrhaging. The development of the disease in infected fish can result in substantial mortality. Other infected fish may not show any clinical signs or die, but may be lifelong carriers and shed the virus.

On September 9, 2008, we published an interim rule in the **Federal Register** (73 FR 52173–52189, Docket No. APHIS–2007–0038) to amend 9 CFR parts 71, 83, and 93 by establishing regulations to restrict the interstate movement and the importation into the United States of certain live fish species that are susceptible to VHS. We announced that the provisions of the interim rule would become effective November 10, 2008, and that we would consider all comments on the interim rule received on or before November 10, 2008, and all comments on the environmental assessment for the interim rule received on or before October 9, 2008.

##### Delay of Effective Date

After the publication of the interim rule, we received comments that addressed a variety of issues, including the feasibility of implementing certain requirements.

Based on our review of those comments, on October 28, 2008, we published a document in the **Federal Register** (73 FR 63867, Docket No. APHIS–2007–0038) announcing that we were delaying the effective date of the interim rule from November 10, 2008, until January 9, 2009, while retaining November 10, 2008 as the close of the comment period for the interim rule and October 9, 2008 as the close of the comment period for the environmental assessment.

We are now delaying the effective date of the interim rule indefinitely to

provide APHIS with time to make some adjustments to the interim rule that are necessary for the rule to be successfully implemented.

**Authority:** 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 22nd day of December 2008.

**Kevin Shea,**

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

[FR Doc. E8–31208 Filed 12–31–08; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 93

[Docket No. APHIS–2007–0095]

RIN 0579–AC63

#### Importation of Cattle From Mexico; Addition of Port at San Luis, AZ

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations regarding the importation of cattle from Mexico by adding San Luis, AZ, as a port through which cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases may be imported into the United States. A new facility for the handling of animals is to be constructed on the Mexican side of the border at the port of San Luis, AZ, that will be equipped with facilities necessary for the proper chute inspection, dipping, and testing that are required for such cattle under the regulations. We are also amending the regulations to remove provisions that limit the admission of cattle that have been infested with fever ticks or exposed to fever ticks or tick-borne diseases to the State of Texas. The statutory requirement that limited the admission of those cattle to the State of Texas has been repealed. These changes will make an additional port of entry available and relieve restrictions on the movement of imported Mexican cattle within the United States.

**DATES:** *Effective Date:* This rule is effective January 2, 2009 except for the amendment (amendatory instruction 3)