

the fruit is released for entry into the United States.

(2) A biometric sample of the boxes, crates, or other APHIS-approved packing containers from each consignment will be selected by the NPPO of Chile, and the fruit from these boxes, crates, or other APHIS-approved packing containers will be visually inspected for quarantine pests. A portion of the fruit must be washed with soapy water and the collected filtrate must be microscopically examined for *B. chilensis*. If a single live *B. chilensis* mite is found during the inspection process, the certified low-prevalence production site where the fruit was grown will lose its certification.

(e) *Phytosanitary certificate*. Each consignment of fresh baby kiwi must be accompanied by a phytosanitary certificate issued by the NPPO of Chile that contains an additional declaration stating that the fruit in the consignment was inspected and found free of *Brevipalpus chilensis* and was grown, packed, and shipped in accordance with the requirements of 7 CFR 319.56–53.

(Approved by the Office of Management and Budget under control number 0579–0374)

Done in Washington, DC, this 19th day of October 2011.

**Kevin Shea,**

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

[FR Doc. 2011–27577 Filed 10–24–11; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 56

[Docket No. APHIS–2009–0031]

RIN 0579–AD21

#### National Poultry Improvement Plan and Auxiliary Provisions; Correction

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

**ACTION:** Correcting amendment.

**SUMMARY:** In a final rule that was published in the **Federal Register** on March 22, 2011, and effective on April 21, 2011, we amended the regulations for the control of H5/H7 low pathogenic avian influenza to simplify the list of types of poultry eligible for 100 percent indemnity, among other changes. This document corrects an error in our amendatory instructions accomplishing that change.

**DATES:** *Effective Date:* October 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. C. Stephen Roney, DVM, Senior Staff Officer, NPIP, VS, APHIS, USDA, 1506 Klondike Road, Suite 300, Conyers, GA 30094–5104; (770) 922–3496.

#### SUPPLEMENTARY INFORMATION:

##### Background

In a final rule that was published in the **Federal Register** on March 22, 2011 (76 FR 15791–15798, Docket No. APHIS–2009–0031), and effective on April 21, 2011, we amended the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. We also amended the regulations in 9 CFR part 56, which set out conditions for the payment of indemnity for costs associated with poultry that are infected with or exposed to the H5 or H7 subtypes of low pathogenic avian influenza.

In § 56.3, we simplified the list of types of poultry eligible for 100 percent indemnity in paragraph (b) by replacing former paragraphs (b)(1) through (b)(6) with new paragraphs (b)(1) and (b)(2) and redesignating former paragraph (b)(7) as paragraph (b)(3). However, our amendatory instructions for accomplishing this change neglected to remove former paragraph (b)(3), resulting in the presence of two paragraphs designated (b)(3) in the Code of Federal Regulations. This document corrects that error.

##### List of Subjects in 9 CFR Part 56

Animal diseases, Indemnity payments, Low pathogenic avian influenza, Poultry.

Accordingly, we are amending 9 CFR part 56 as follows:

#### PART 56—CONTROL OF H5/H7 LOW PATHOGENIC AVIAN INFLUENZA

■ 1. The authority citation for part 56 continues to read as follows:

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

##### § 56.3 [Amended]

■ 2. In § 56.3, the first paragraph (b)(3) is removed.

Done in Washington, DC, this 19th day of October 2011.

**Kevin Shea,**

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

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 78

[Docket No. APHIS–2011–0005]

#### Brucellosis in Swine; Add Texas 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 Texas to the list of validated brucellosis-free States. The interim rule was necessary to relieve certain restrictions on interstate movement of breeding swine from Texas.

**DATES:** Effective on October 25, 2011, we are adopting as a final rule the interim rule published at 76 FR 28885–28886 on May 19, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. Troy Bigelow, Swine Health Programs, Aquaculture, Swine, Equine, and Poultry Programs, National Center for Animal Health Programs, VS, APHIS, 210 Walnut Street Room 891, Des Moines, IA 50309; (515) 284–4121.

#### 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.

In an interim rule<sup>1</sup> effective and published in the **Federal Register** on May 19, 2011 (76 FR 28885–28886, Docket No. APHIS–2011–0005), we amended the brucellosis regulations in 9 CFR part 78 by adding Texas to the list of validated brucellosis-free States in § 78.43. That action relieved certain

<sup>1</sup>To view the interim rule and the comment we received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2011-0005>.