

*Estimated total annual burden on respondents:* 6,200 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 13th day of December 2012.

**Kevin Shea,**

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

[FR Doc. 2012-31567 Filed 1-3-13; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2011-0079]

#### Guidelines for the Control of Tuberculosis in Elephants

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

**ACTION:** Notice of Availability.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service intends to use the 2010 guidelines issued by the United States Animal Health Association to assess compliance with the animal welfare regulations as related to elephant tuberculosis as well as to aid users in their compliance with those regulations. We accept these guidelines as meeting the requirements in the Animal Welfare Act and are making them available for review. We welcome comment on our intention to utilize the guidelines as a means of assessing compliance with our regulations.

**DATES:** We will consider all comments that we receive on or before March 5, 2013.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0079-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2011-0079, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

The guidelines and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0079> or in our reading room, which 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) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1234; (301) 851-3751.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Animal Welfare Act (7 U.S.C. 2131-2159, AWA) authorizes the Secretary of Agriculture (the Secretary) to promulgate rules and standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, exhibitors, research facilities, and other regulated entities. The Secretary has delegated the responsibility for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). The APHIS Animal Care program ensures compliance with AWA regulations and standards. Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. Currently, part 2 consists of subparts A through I, which contain regulations pertaining to licensing and registration of dealers, exhibitors, and research facilities, and standards for veterinary care, identification of animals, and recordkeeping.

The Attending Veterinarian and Adequate Veterinary Care regulations contained in Subpart C and Subpart D are performance standards that do not prescribe specific measures to be undertaken in order to be in compliance with those regulations. Pursuant to the regulations, research facilities, dealers, and exhibitors are required to provide "adequate veterinary care" to the animals in their custody. A research facility, dealer, or exhibitor that employs a part-time attending veterinarian (rather than a full-time attending veterinarian) must do so under "formal arrangements" that "shall include a written program of veterinary care." Each research facility, dealer, and exhibitor is required to "establish and maintain programs of adequate veterinary care." In 1998, APHIS adopted the use of a document entitled "Guidelines for the Control of Tuberculosis in Elephants" developed by The National Tuberculosis Working Group for Zoo and Wildlife Species in order to address the emerging issue of tuberculosis in elephants and to provide

the licensees and registrants with concrete ways to meet the standards established in subpart D with regard to elephant tuberculosis. This guidance document has been modified at various times since then in order to incorporate new information and to improve recommended practices. These guidelines have been utilized by APHIS to monitor and address elephant tuberculosis under the AWA.

In November 2010, the Tuberculosis Committee of the United States Animal Health Association (USAHA), which has taken over administration of the guidelines from The National Tuberculosis Working Group for Zoo and Wildlife Species, approved revisions to the guidelines. Following the release of the 2010 revised guidelines, USAHA submitted a recommendation to APHIS for the implementation of the newest version of the guidelines, "Guidelines for the Control of Tuberculosis in Elephants 2010." We have reviewed the revised guidelines and find them to be in line with the requirements of the AWA. We have determined that the 2010 guidelines are useful to determine whether research facilities, dealers, and exhibitors meet the regulations' minimum requirements for the provision of "adequate veterinary care" to elephants and the establishment and maintenance of programs of adequate veterinary care for elephants with respect to tuberculosis. We have therefore determined that it is appropriate for APHIS to continue to utilize these guidelines to assess compliance with the regulations in 9 CFR subparts C and D. We welcome comments from the public regarding this determination to use the guidelines in this manner. Given that APHIS is not the author of the document, we are unable to make changes to specific provisions contained in the guidelines. Accordingly, we are seeking comments on the overall suitability of the document as a means of assessing compliance with our regulations in 9 CFR subparts C and D.

Copies of the document are available on the Internet via the Federal eRulemaking Portal at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0079>, on the Animal Care Web site at [http://www.aphis.usda.gov/animal\\_welfare/index.shtml](http://www.aphis.usda.gov/animal_welfare/index.shtml), or from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 20th day of December 2012.

**Kevin Shea,**

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

[FR Doc. 2012-31644 Filed 1-3-13; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

#### Guarantee Fee Rates for Guaranteed Loans for Fiscal Year 2013; Maximum Portion of Guarantee Authority Available for Fiscal Year 2013; Annual Renewal Fee for Fiscal Year 2013

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Notice.

**SUMMARY:** As set forth in 7 CFR 4279.107, the Agency has the authority to charge an initial guarantee fee and an annual renewal fee for loans made under the Business and Industry (B&I) Guaranteed Loan Program. Pursuant to that authority, the Agency is establishing the renewal fee rate at one-half of 1 percent for the B&I Guaranteed Loan Program. This rate will apply to all loans obligated in Fiscal Year (FY) 2013 that are made under the B&I program. As established in 7 CFR 4279.107(b)(1), the amount of the fee on each guaranteed loan will be determined by multiplying the fee rate by the outstanding principal loan balance as of December 31, multiplied by the percent of guarantee.

The Agency was authorized by the 2012 Appropriations Bill to charge a maximum of 3 percent for its guarantee fee for FY 2012. It is the Agency's expectation that the 2013 Appropriations Bill will contain the same authorization to charge a maximum of 3 percent for its guarantee fee for FY 2013. As such, the guarantee fee for FY 2013 will be 3 percent. In the event the 2013 Appropriations Bill reduces the fee authorization below 3 percent, a subsequent notice will be published in the **Federal Register** amending the guarantee fee for FY 2013.

As set forth in 7 CFR 4279.107(a) and 4279.119(b)(4), each fiscal year, the Agency shall establish a limit on the maximum portion of B&I guarantee authority available for that fiscal year that may be used to guarantee loans with a reduced guarantee fee or guaranteed loans with a guarantee percentage exceeding 80 percent.

Allowing a reduced guarantee fee or exceeding the 80 percent guarantee on certain B&I guaranteed loans that meet the conditions set forth in 7 CFR

4279.107 and 4279.119 will increase the Agency's ability to focus guarantee assistance on projects which the Agency has found particularly meritorious. For reduced guarantee fees, the borrower's business must support value-added agriculture and result in farmers benefiting financially or must be a high impact business investment as defined in 7 CFR 4279.155(b)(5) and be located in rural communities that experience long-term population decline and job deterioration, remain persistently poor, are experiencing trauma as a result of natural disaster, or are experiencing fundamental structural changes in its economic base. For guaranteed loans exceeding 80 percent, such projects must qualify as a high-priority project (a requirement of 7 CFR 4279.119(b)), scoring at least 50 points in accordance with 7 CFR 4279.155(b).

Not more than 12 percent of the Agency's quarterly apportioned B&I guarantee authority will be reserved for loan requests with a reduced fee, and not more than 15 percent of the Agency's quarterly apportioned guarantee authority will be reserved for guaranteed loan requests with a guarantee percentage exceeding 80 percent. Once the respective quarterly limits are reached, all additional loans for that quarter will be at the standard fee and guarantee limits.

**DATES:** *Effective Date:* January 4, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Griffin, USDA, Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW., Washington, DC 20250-3224, telephone (202) 720-6802, email [brenda.griffin@wdc.usda.gov](mailto:brenda.griffin@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866, as amended by Executive Order 13258.

Dated: December 4, 2012.

**Lillian Salerno,**

*Acting Administrator, Rural Business-Cooperative Service.*

[FR Doc. 2012-31711 Filed 1-3-13; 8:45 am]

**BILLING CODE 3410-XY-P**

## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

#### Maximum Loan Amount for Business and Industry Guaranteed Loans in Fiscal Year 2013

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Notice.

**SUMMARY:** Section 4279.119(a)(1) of 7 CFR allows the Rural Business-Cooperative Service Administrator, at the Administrator's discretion, to grant an exception to the \$10 million limit for Business and Industry (B&I) guaranteed loans of \$25 million or less under certain circumstances. Due to the limited program funds that are expected for Fiscal Year (FY) 2013 for the B&I Guaranteed Loan Program, the Administrator has decided to only grant exceptions to the \$10 million loan limit for existing B&I guaranteed loan borrowers that meet certain criteria. Limiting the maximum loan amount will enable the Agency to provide financing assistance to as many projects as possible. In order for an existing B&I guaranteed loan borrower to be granted an exception to the \$10 million loan limit, they must meet the following criteria: (1) Qualify as a high priority project (a requirement of 7 CFR 4279.119(a)(1)(i)), scoring at least 50 points in accordance with the criteria in 7 CFR 4279.155(b); (2) have an existing B&I loan that has been current for the past 12 months without such status being achieved through debt forgiveness; and (3) not be requesting a refinance of the existing B&I loan. All other requirements of 7 CFR 4279.119(a) must be met. Limiting exceptions to the \$10 million limit will allow the Agency to guarantee more loans and target smaller loans/projects impacting more small businesses and will assist the Agency to conserve scarce funding dollars at a time when there is unprecedented interest in the program.

**DATES:** *Effective Date:* January 4, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Griffin, email [brenda.griffin@wdc.usda.gov](mailto:brenda.griffin@wdc.usda.gov), Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW., Washington, DC 20250-3224, telephone (202) 720-6802.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 as amended by Executive Order 13258.

Dated: October 3, 2012.

**Lillian Salerno,**

*Acting Administrator, Rural Business-Cooperative Service.*

[FR Doc. 2012-31713 Filed 1-3-13; 8:45 am]

**BILLING CODE 3410-XY-P**