introduction of communicable diseases of cattle into the United States.

Australia

Australia has a large cattle industry, but has minimal cattle exports to the United States. We do not expect that removing the current tuberculosis and brucellosis testing requirements would significantly affect the number of cattle imports from Australia.

The number of cattle imported into the United States from Australia has increased slightly over recent years, although in 1998, imports from Australia only represented about $101,400 of the approximately $1.148 billion value of all U.S. cattle imports. While cattle imports from Australia may continue to increase, it is unlikely that the rates of increase would be significantly affected by the removal of the current tuberculosis and brucellosis testing requirements. The costs of testing, which include veterinary fees and handling expenses, are $15.00 to $25.00 per tuberculosis test and $7.50 to $15.00 per brucellosis test, and these testing costs represent less than 2 percent of the 1998 import price for cattle from Australia. It is realistic to assume that only a fraction of the cost savings associated with the removal of tuberculosis and brucellosis testing requirements would be passed to U.S. importers.

New Zealand

There is no history of cattle imports into the United States from New Zealand. Removing the brucellosis testing requirement is not expected to significantly affect cattle imports from New Zealand.

The average value of New Zealand's cattle exports during 1995 to 1997 was $731 to $801 per head. Brucellosis testing in the United States, which includes veterinary and handling fees, costs about $7.50 to $15.00, would represent only about 1 to 2 percent of the average value of cattle exported by New Zealand. If U.S. cattle imports from New Zealand were to commence, only a fraction of this cost saving would be passed along to the importer. Therefore, this proposed change is not expected, by itself, to generate such imports.

Effects on Small Entities

The Regulatory Flexibility Act requires that the Agency specifically consider the economic effects of its rules on small entities. More than 99 percent of the 766,991 U.S. farms that reported cattle or calf sales in the most recent ''Census of Agriculture'' could be classified as small entities, using the Small Business Administration's criterion of annual receipts of less than $500,000. Given that there is no history of cattle imports from New Zealand and only a very low level of cattle imports from Australia, and given the minimal cost decrease that would result from the proposed testing exemptions, no effect on domestic cattle producers, large or small, is expected.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

2. Section 93.406 would be amended as follows:

a. In the introductory text of paragraph (a), in the first sentence, the words ''in paragraph (d) of this section and'' would be added immediately after the words ''Except as provided''.

b. A new paragraph (d) would be added to read as follows:

§ 93.406 Diagnostic tests.

* * * * *

(d) *Testing exemptions.* Cattle from Australia are exempt from the tuberculosis and brucellosis testing and certification requirements of paragraph (a) of this section. Cattle from New Zealand are exempt from the brucellosis testing requirements of paragraph (a)(1) of this section.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9790 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 98–005E]

Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Extension of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is extending the comment period for the proposed rulemaking, Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products. The comment period is scheduled to close on April 18, 2001. At the request of a group of trade associations, FSIS is granting a 90-day extension to the comment period to provide the associations additional time to conduct research, gather information from their memberships, and analyze the results and responses. The proposed rule was published on January 18, 2001 (66 FR 4970).

DATES: Comments must be received on or before July 17, 2001.

ADDRESSES: Send one original and two copies of written comments to FSIS Docket No. 98–005P, Department of Agriculture, Food Safety and Inspection Service, Room 102-Annex, 300 12th Street, SW., Washington, DC 20250–3700. The request for this extension will be posted as a related document associated with the **Federal Register** publication on the FSIS web page at *http://www.fsis.usda.gov/OPPDE/rdad/ProposedRules.htm.*

FOR FURTHER INFORMATION CONTACT: Dr. Robert Post, Director, Labeling and Consumer Protection Staff, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection

Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 205–0279.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done in Washington, DC, on: April 16, 2001.

Thomas J. Billy,

Administrator.

[FR Doc. 01–9812 Filed 4–17–01; 10:42 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

[Docket No. PRM–35–16]

American College of Nuclear Physicians and the Society of Nuclear Medicine; Denial of a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of a petition for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking submitted by the American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM) (PRM–35–16). The petitioners request that the Commission: rescind its approval of the NRC staff's draft final revision of the regulations at 10 CFR part 35 ''Medical Use of Byproduct Material'', which was approved by the Commission in a Staff Requirements Memorandum dated October 23, 2000; revoke all of part 35, except for specifically identified requirements; and institute a new rulemaking proceeding to adopt a regulatory scheme for the use of byproduct material in diagnostic nuclear medicine that reflects the discipline's safety record. The NRC is denying the petition because: the Commission approved the final rule after an extensive rulemaking process that provided an unprecedented level of enhanced stakeholder and public participation; the Commission believes that the ACNP/SNM had many opportunities to present their concerns and suggestions as part of that process; and the petition does not appear to present any significant new information or recommendations that the Commission has not already considered.

ADDRESSES: Copies of the petition for rulemaking and the NRC's letters to the petitioners are available for public inspection or copying in the NRC Public Document Room, 11555 Rockville Pike, Room 01-F21, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Catherine Haney, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6825, e-mail: cxh@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petition

On January 11, 2001, the NRC docketed a January 3, 2001, letter from Donald A. Podoloff, MD, of the American College of Nuclear Physicians, and Jonathan M. Links, PhD, of the Society of Nuclear Medicine, to the Office of the Secretary, as a petition for rulemaking under 10 CFR 2.802 (PRM–35–16). The petitioners request that the Commission: rescind its approval of the NRC staff's proposed revision to 10 CFR part 35, ''Medical Use of Byproduct Material,'' which was approved by the Commission in a Staff Requirements Memorandum dated October 23, 2000; revoke all of 10 CFR part 35, except for specifically identified requirements; and institute a new rulemaking proceeding to adopt a regulatory scheme for the use of byproduct material in diagnostic nuclear medicine that reflects the discipline's ''unparalleled and undisputed safety record.''

The petitioners provide a history of the Commission's statutory authority and nuclear medicine regulation from their perspective. The petitioners state that the NRC regulates the medical use of reactor-generated radioactive materials to protect the public health under section 81 of the Atomic Energy Act (AEA) (42 U.S.C. 2111) and that its responsibilities include the regulation of radiopharmaceuticals and sealed sources. The NRC does not regulate machine-produced x-rays nor naturally occurring or accelerator-produced radioisotopes (such as those used in positron emission tomography). The petitioners also described the relationship between NRC and State regulatory authority and the impacts of NRC's program on State regulatory programs.

The petitioners characterize the use of radioactive material as a highly regulated activity. All uses and possession of radioactive material are prohibited, except those uses and possessions that are authorized by an individual license. The petitioners believe that as medical uses of radioactive materials expanded with the development of new technologies, the licensure process quickly became complex, often involving lengthy documents with little consistency from one license to another license. The petitioners state that in the late 1970's, the NRC placed all common license conditions into regulations. The petitioners believe that this regulatory action was the NRC's attempt to simplify the licensing process and to allow greater consistency in uses and possession of radioactive materials.

The petitioners believe that the NRC's regulations applicable to diagnostic nuclear medicine eclipse the regulatory controls imposed on other dramatically more dangerous medical products and procedures by a wide margin. The petitioners state that the goal of this petition is to end that unsupportable and extraordinarily expensive program. The petitioners also state that their proposed regulatory scheme would assure the continued extremely safe use of diagnostic nuclear medicine products and procedures while saving the nation millions of dollars a year.

The Requested Actions

The petitioners request that the NRC amend its regulations to match the regulatory scheme to the minimal risks presented. Specifically, they request that NRC regulate the use of byproduct material in diagnostic nuclear medicine solely by:

1. Protecting workers, the general public, and the environment through