

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

[Docket No. 01-019-1]

### Declaration of Emergency Because of Chronic Wasting Disease

Chronic wasting disease (CWD), a disease of deer and elk, is part of a group of diseases known as transmissible spongiform encephalopathies (TSE's), a group that also includes scrapie and bovine spongiform encephalopathy (BSE). While considered rare, the incidence of CWD is on the rise among both wild and domestic cervids. The disease, which occurs mostly in adult animals, is progressive and always fatal. The origin and mode of transmission of CWD are unknown. The disease has become of particular concern due to its fatal nature, lack of known prevention or treatment, its impact on the farmed cervid industry, and its possible transmissibility to cattle or other domestic livestock and humans.

CWD is known to be endemic in free-ranging deer and elk in a limited area in the western United States. Officials have detected it in free-ranging deer and elk in southeastern Wyoming, northeastern Colorado, and southwestern Nebraska. State departments of wildlife are taking steps to conduct surveillance in the endemic areas and to control the spread of CWD in wild cervids.

In recent years, CWD has been found in 14 captive elk herds in Colorado, Montana, Nebraska, Oklahoma, and South Dakota. Some of these herds have since been depopulated. Of the 2,300 farmed elk herds (with a total of 110,000 animals) in the United States, currently only 4 (with a total of approximately 1,000 animals) are known to be CWD-positive. We do not know the full extent of infection in farmed elk in the United States. Limited funds and the absence of a CWD program have allowed the

Animal and Plant Health Inspection Service (APHIS) to conduct only minimal surveillance and testing, and not depopulation. Presently, herds are placed under State quarantine when infection is found.

While current efforts have been sufficient to depopulate or send to slaughter a number of positive herds, primarily through State indemnity programs and voluntary depopulation, APHIS has determined that this method will not work to eliminate the disease in farmed cervids. First, there is no live animal test for CWD, so it is impossible to determine whether a live animal is positive; nor is there a vaccine to prevent the disease. Second, the incubation period is lengthy, and 3 to 5 years of continued surveillance is needed (with no new infection found) before a herd can be declared free of CWD through quarantine. To date, only 1 of the 14 known CWD-positive herds has been declared free of CWD following quarantine.

Indemnity from State programs has not been adequate to pay fair market value for depopulated elk, so each depopulation has caused considerable financial loss to the herd owner. Because no funds are available within APHIS for depopulation and payment of indemnity, the only option for producers to gain some compensation for eliminating a CWD-positive herd is to slaughter the animals for human consumption. This option represents a very limited incentive for producers to participate in an eradication program. Also, it poses potential problems related to contamination of slaughter facilities and potential human exposure to preclinical infected animals that are not detectable with our current testing tools.

Aggressive action in controlling this disease now will decrease the chance of having to deal with a much larger, widespread, and costly problem later, such as the situation with BSE in Europe. The European Union is struggling to rebuild consumer confidence in Europe's beef after recent outbreaks of BSE in France, Spain, and Germany. As demonstrated in Europe, once shaken, consumer confidence is very difficult to rebuild. BSE's human form, known as variant Creutzfeldt-Jakob Disease (vCJD), has killed more than 80 people in the United Kingdom and 2 in Spain. There is no known cure for this deadly disease, or for any of the

other diseases caused by TSE's that affect humans or animals. Although there is currently no evidence that CWD is linked to disease in humans, or in domestic animals other than deer and elk, a theoretical risk of such a link exists. Public perception and consumer fears that CWD from deer and elk could cause disease in humans or in domestic livestock could destroy the markets for elk or deer products. Canada has prohibited the import of U.S. cervids due to CWD, and other countries are contemplating import restrictions on elk and deer and their products. Recently, Korea informed APHIS that it is temporarily suspending the importation of deer and elk and their products from the United States and Canada.

Without a Federal program in place to depopulate infected and exposed animals, the movement of infected elk into new herds and States with no known infection will continue or may even accelerate. APHIS needs to take action to document the prevalence of the disease and to prevent its further spread. Furthermore, the Agency needs to demonstrate, as with other TSE's, that it is able and willing to take early and effective action to protect the health of U.S. animals and animal industries.

Therefore, in order to address the CWD threat to U.S. livestock, APHIS has determined that additional funds are needed for a CWD eradication program. In addition to the purchase of animals, the additional funds will be used for program activities such as depopulation and disposal, clean-up and disinfection, establishment of surveillance and certification programs, testing, implementation and maintenance of quarantines, surveillance, and training for producers and veterinarians. These additional funds will reduce the spread of CWD in captive elk herds and discourage entry of positive or exposed animals into the human and animal food chains, and should save the Federal Government and farmed elk industry from having to deal with a more costly and widespread problem later.

Therefore, in accordance with the provisions of the Act of September 25, 1981, as amended (7 U.S.C. 147b), I declare that there is an emergency that threatens the livestock industry of this country and hereby authorize the transfer and use of such funds as may be necessary from appropriations or

other funds available to the agencies or corporations of the United States Department of Agriculture to establish a chronic wasting disease eradication program in the United States.

Effective Date: This declaration of emergency shall become effective September 21, 2001.

**Ann M. Veneman,**

*Secretary of Agriculture.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### National Urban and Community Forestry Advisory Council

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting cancellation.

**SUMMARY:** On September 18, 2001, the Forest Service published notice in the **Federal Register** (66 FR 48114) of a National Urban and Community Forestry Advisory Council meeting to be held in Burlington, Vermont, October 4-6, 2001. That meeting has been cancelled. Notices of future meetings of the Advisory Council will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Suzanne M. del Villar, Cooperative Forestry Staff, (209) 536-9201.

Dated: September 20, 2001.

**Michael T. Rains,**

*Deputy Chief, State and Private Forestry.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-848]

#### Freshwater Crawfish Tail Meat From the People's Republic of China: Amended Final Results of Antidumping Duty New Shipper Reviews

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** September 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Arrowsmith or Maureen Flannery, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202)

482-4052 or (202) 482-3020, respectively.

#### Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2000).

#### Scope of the Reviews

The product covered by these reviews is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10, 0306.19.00.10 and 0306.29.00.00. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

#### Amendment of Final Results

On August 27, 2001, the Department of Commerce (the Department) published the final results of its antidumping new shipper reviews on freshwater crawfish tail meat (crawfish tail meat) from the People's Republic of China (PRC). *Final Results of Antidumping Duty New Shipper Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China* 66 FR 45002 (August 27, 2001). The companies covered by these new shipper reviews are China Kingdom Import & Export Co., Ltd. (China Kingdom), Nantong Shengfa Frozen Food Co., Ltd. (Nantong Shengfa), and Weishan Fukang Frozen Foodstuffs Co., Ltd. (Weishan Fukang). The period of review (POR) is September 1, 1999 through March 31, 2000.

On August 29, 2001, we received a submission from petitioner alleging ministerial errors in the final results of these new shipper reviews. The allegation was timely filed pursuant to section 351.224(c)(2) of the Department's regulations. We did not receive any submissions alleging ministerial errors in the final results of these new shipper reviews from China

Kingdom, Nantong Shengfa, or Weishan Fukang.

#### Comment 1: Application of Wet-to-Dry Conversion Factor.

Petitioner argues that the Department made a ministerial error in its application of the wet-dry conversion for the crawfish scrap credit to the raw crawfish input used in the calculation of normal value based on factors of production. Petitioner explains that 70% of the weight of crawfish scrap is water and argues that, therefore, to convert the dry-weight price to an equivalent wet-weight price, the Department must multiply the dry-weight price by 30 percent. Petitioner notes that in its narrative, the Department explained that it was adjusting the amount of scrap reported by the respondents by 30 percent to account for its wet condition. Petitioner states that the Department made an error in its calculations by multiplying the dry-weight surrogate price by 70 percent.

*Department's Position:* We agree with petitioner. We should have multiplied the dry-weight price by 30 percent as detailed in petitioner's comments on ministerial errors. We are making this correction for these amended final results.

#### Comment 2: HTS Numbers.

Petitioner argues that the description of the tariff classifications of subject merchandise in the "Scope of Reviews" section that the Department used in the preliminary and final results of these new shipper reviews contains several errors, omissions, and other inaccuracies which could confuse or mislead the U.S. Customs Service or market participants. *Preliminary Results of New Shipper Reviews and Rescission of a New Shipper Review: Freshwater Crawfish Tail Meat from the People's Republic of China* 66 FR 18604 (April 10, 2001) (*Preliminary Results*) and *Final Results of Antidumping Duty New Shipper Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China* 66 FR 45002 (August 27, 2001) (*Final Results*). Petitioner states that HTS item number 1605.40.10.10 provides the most specific category for freshwater crawfish tail meat. Petitioner also states that HTS item number 1605.40.10.90, which was listed in the preliminary and final results, applies to various prepared or preserved crustacean products other than freshwater crawfish tail meat. *See Preliminary Results; see also Final Results.* Petitioner concludes its comments by providing suggested language for the scope of these reviews, which excludes the HTS item number 1605.40.10.90.