Stop Code 0244, Washington, DC 20090–6456, telephone (202) 720–6930 or (888) 720–9917.

SUPPLEMENTARY INFORMATION: A referendum will be conducted among mushroom producers and importers to determine whether the continuance of the Mushroom Promotion, Research, and Consumer Information Order (Order) [7 CFR 1209] is favored by persons voting in the referendum. The Order is authorized under the Mushroom Promotion, Research, and Consumer Information Act (Act) [7 U.S.C. 6101–6112].

The representative period for establishing voter eligibility for the referendum shall be the period from July 1, 1996, through June 30, 1997. Paragraph (b)(2) of § 1926 of the Act requires that the Order be approved by a majority of producers and importers voting in the referendum which majority, on average, annually produces and imports into the United States more than 50 percent of mushrooms annually produced and imported by all those persons voting in the referendum. Only mushroom producers and importers who either produced or imported, on average, over 500,000 pounds of mushrooms annually during the representative period will be eligible to vote in the referendum. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote. The referendum shall be conducted by mail ballot from February 24 through March 13, 1998. Faxed ballots will be accepted.

Section 1926 of the Act provides that the Secretary of Agriculture (Secretary) shall conduct a referendum effective 5 years after the date on which the Order became effective. The Order became effective on January 8, 1993. The referendum must be conducted among mushroom producers and importers to ascertain whether they favor continuation, termination, or suspension of the Order. Persons voting in the referendum will certify their eligibility to vote and will designate their status either as a mushroom producer or importer. Producers and importers will be required to certify the pounds of mushrooms they either produced or imported during the representative period.

The Order shall continue in effect if it is approved by a simple majority of producers and importers voting in the referendum and that majority represents more than 50 percent of the mushrooms produced and imported by those voting in the referendum. If the Secretary determines that suspension or termination of the Order is favored by a majority of the producers and importers voting in the referendum, which majority, on average, annually produces and imports into the United States more than 50 percent of the mushrooms annually produced and imported by all those voting in the referendum, the Secretary shall terminate or suspend the collection of assessments under the Order and suspend or terminate activities under the Order as soon as practicable.

In accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104–13], the referendum ballot has been approved by the Office of Management and Budget (OMB) and has been assigned OMB number 0581–0093. There are approximately 138 eligible voters. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot. The total burden on the total number of voters will be 34.5 hours.

Referendum Order

It is hereby directed that a referendum be conducted among mushroom producers and importers to determine whether they favor the continuance of the Order. The representative period for establishing voter eligibility for the referendum shall be the period from July 1, 1996, through June 30, 1997. A referendum shall be conducted by mail ballot from February 24 through March 13, 1998. Faxed ballots will be accepted.

By interim final rule, referendum procedures were published in the **Federal Register** on December 23, 1997 [62 FR 66973]. Comments concerning the provisions of the rule must be received by January 22, 1998. The Procedure for the Conduct of Referenda in Connection with the Mushroom Promotion, Research, and Consumer Information Order [7 CFR 1209.300–1209.307] shall be used to conduct the referendum. Ballots will be mailed to all known mushroom producers and importers on or before February 17, 1998. Eligible voters who do not receive a ballot by mail may call the following toll-free telephone number to receive a ballot: 1 (888) 720–9917. All ballots will be subject to verification. Ballots must be received by the referendum agents by mail or fax no later than March 13, 1998, to be counted.

Stacey L. Bryson and Martha B. Ransom, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2535–S, Stop Code 0244, P.O. Box 96456, Washington, D.C. 20090–6456, are designated as the referendum agents of the Secretary of Agriculture to conduct the referendum.

Ballots to be cast in the referendum, and any related material relevant to the referendum, will be mailed by the referendum agents to all known mushroom producers and importers. Only mushroom producers and importers who either produced or imported, on average, over 500,000 pounds of mushrooms annually during the representative period will be eligible to vote in the referendum. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote.

List of Subjects in 7 CFR Part 1209

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Mushrooms, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 6101–6112.

Dated: January 21, 1998.

Enrique E. Figueroa,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 98–1908 Filed 1–26–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 71

[Docket No. 97–099–1]

EIA; Handling Reactors at Livestock Markets

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations pertaining to livestock facilities under State or Federal veterinary supervision to require that any livestock facility accepting equines classified as reactors to equine infectious anemia must quarantine these animals at all times at least 200 yards from all equines that are not reactors to this disease. Currently, livestock facilities accepting reactors to equine infectious anemia are required to quarantine the reactors that will remain at the facility for longer than 24 hours at least 200 yards away from all other animals. This proposed amendment would help to prevent the interstate spread of equine infectious anemia, a contagious, vector-borne disease affecting equines.

DATES: Consideration will be given only to comments received on or before March 30, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–099–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–099–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–5970; or E-mail: jdavis@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in subchapter C, ''Interstate Transportation of Animals (Including Poultry) and Animal Products,'' of chapter I, title 9, of the Code of Federal Regulations contain provisions designed by the Animal and Plant Health Inspection Service (APHIS) to prevent the dissemination of animal diseases in the United States. Part 71 of subchapter C includes general provisions. Section 71.20 pertains to APHIS approval of livestock facilities, which include stockyards, livestock markets, buying stations, concentration points, or any other premises under State or Federal veterinary supervision where livestock are assembled. Section 71.20(a) includes an agreement that livestock facilities must execute to obtain APHIS approval, and subparagraph (16) of the agreement pertains to livestock facilities that accept horses. (According to the definitions in § 71.1, ''horses'' includes ''horses, asses, mules, ponies, and zebras.'' Throughout this document, the same definition applies.) According to § 71.20(a)(16), approved livestock facilities may elect either to accept or not accept horses that are reactors to equine infectious anemia (EIA).

EIA is a contagious, potentially fatal disease affecting horses that is spread by infected blood coming into contact with the blood in a healthy animal. Therefore, humans can spread EIA from horse to horse through unsafe vaccination or blood-testing practices; naturally, the disease is spread by insect vectors. Although, theoretically, EIA could be spread by any type of blood-consuming insect, such as mosquitoes and deer flies, the disease is generally spread by large horse flies. EIA spreads when a blood-consuming insect is interrupted during a feeding on an infected animal and then resumes feeding on an uninfected animal while the infected blood is still on the insect's mouthparts. While mosquitoes have finely structured mouthparts that directly penetrate small blood vessels, the mouthparts of horse flies and deer flies include scissorlike blades that cut and slash the horse's skin leaving relatively large amounts of blood on the mouthparts. Research has shown that deer flies and smaller species of horse flies are not as easily disrupted from their bloodmeals on horses as are large horse flies. The large flies cause painful bites that trigger a physiological response from the horse. If disrupted by the horse while feeding, the horse fly may then move to another horse to complete the bloodmeal.[1]

Regulations pertaining to the interstate movement of animals affected with EIA are located in 9 CFR part 75. According to these regulations, EIA reactors may be moved interstate only for immediate slaughter, to a diagnostic or research facility, to the animal's home farm, or to an approved stockyard for sale for immediate slaughter. Approximately 1,600 horses in the United States test positive for EIA each year. Currently, 40 percent of these animals move through livestock markets on their way to slaughter.

Section 71.20(a)(16)(ii) currently specifies that approved livestock facilities must place any EIA reactor in a quarantined pen at least 200 yards from all non-EIA-reactor horses and other animals, unless the EIA reactor will be moving out of the facility within 24 hours of arrival. The purpose of quarantining the EIA reactors is to prevent EIA transmission: Because the types of flies that transmit EIA generally remain in the immediate vicinity of the horses with which they are associated, quarantining EIA reactors at least 200 yards away from healthy horses is effective in preventing EIA spread. However, as described above, the regulations currently allow an EIA reactor to be mixed in with healthy horses if the EIA reactor will be at the livestock facility for less than 24 hours. While in the past such short-term mixing of healthy and infected horses was not believed to contribute significantly to EIA spread, we now believe that allowing healthy horses to come into close contact with EIA reactors for any length of time could allow for infection of the healthy horses. Therefore, to help prevent the interstate spread of EIA, we are proposing to prohibit the mixing of healthy and infected horses at approved livestock facilities for any period of time. Thus, we are proposing to amend the quarantine requirement in § 71.20(a)(16)(ii) to remove the quarantine exception for EIA reactors that will be in the approved livestock facility for less than 24 hours. EIA reactors would need to be quarantined at least 200 yards away from non-EIA-reactor horses at all times.

Currently, § 71.20(a)(16)(ii) also requires that EIA reactors be quarantined at least 200 yards away from all other animals in the approved livestock facility. This requirement exists because it was formerly believed that insect vectors could spread EIA to healthy horses as far as 200 yards away from reactors if other animals were located between the reactors and the healthy horses. We previously believed that a fly could move from a reactor to feed on a nonequine animal or animals located nearby and then move on to a healthy horse, infecting it. However, as stated previously, we now know that EIA transmission by insect vector occurs only when an insect is feeding on an infected horse, is interrupted during the feeding, and then moves on to feed on a healthy horse while the infected blood is still on the insect's mouthparts. Horse flies are not known to feed on nonequine animals when horses are available because these flies prefer the relatively supple skin of horses. Moreover, the likelihood that blood from an infected horse would still be on the insect's mouthparts after the insect had fed on another animal is slight. For these reasons, we now believe that the possibility of disease transmission occurring under these circumstances is extremely unlikely. We are proposing to amend § 71.20(a)(16)(ii) to remove the words ''or other animals.'' We believe that, in the interest of preventing EIA spread, it is only necessary to require EIA reactors to be quarantined at least 200 yards away from all equines that are not reactors.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not

[1] Information regarding research on EIA transmission may be obtained by contacting Dr. Tim Cordes, Senior Staff Veterinarian, Equine Programs, VS, APHIS, USDA, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–3279; or e-mail: tcordes@aphis.usda.gov.

significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The regulations in 9 CFR part 71 require that any horses classified as EIA reactors and accepted by a facility for sale are to be placed in quarantined pens at least 200 yards from all non-EIA-reactor horses or other animals, unless moving out of the facility within 24 hours of arrival. The proposed rule would remove the ''less-than-24-hours'' exemption: Quarantine would be required regardless of the length of time between an EIA reactor's arrival and departure from a facility. The proposed rule would also amend the regulations by requiring that EIA reactors be quarantined at least 200 yards away from all equines that are not reactors, rather than at least 200 yards away from all other animals.

Facilities that buy and sell horses are included in the Small Business Administration's SIC (Standard Industrial Classification) category ''Livestock Services, Except Veterinary.'' Firms in this category with annual receipts of less than $5 million are considered small entities. It is likely that most, if not all, of the approximately 200 facilities that buy and sell horses are ''small'' under this definition.

Most facilities that buy and sell horses already have quarantine pens, in accordance with current regulations. The estimated 20 percent that do not have quarantine pens could build or modify existing pens for quarantine use at a relatively minor cost: APHIS estimates that, at most, construction of a quarantine pen would cost about $1,000.

However, costs of quarantine pen construction are not attributable to this proposed rule because quarantine, per se, is not a new requirement. Only those facilities that accept EIA reactors and that always move all EIA reactors within 24 hours of arrival would need to construct or modify pens for quarantine purposes as a consequence of this proposed rule. As no facility can always be certain of movement of EIA reactors within 24 hours, no costs should be incurred strictly because of this proposed rule. Moreover, by requiring all EIA reactors at approved livestock facilities to be quarantined, the horse industry in general would benefit from a further reduction in the risk of EIA transmission.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

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 in conflict 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 71

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

Accordingly, 9 CFR part 71 is proposed to be amended as follows:

PART 71—GENERAL PROVISIONS

1. The authority citation for part 71 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 71.20 [AMENDED]

2. In § 71.20, paragraph (a) would be amended in paragraph (16)(ii) of the sample agreement by removing the words ''or other animals, unless moving out of the facility within 24 hours of arrival''.

Done in Washington, DC, this 20th day of January 1998.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–1778 Filed 1–26–98; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1998–3]

Definition of ''Member'' of a Membership Association

AGENCY: Federal Election Commission.

ACTION: Notice of Proposed Rulemaking; technical correction.

SUMMARY: On December 22, 1997, the Commission published a Notice of Proposed Rulemaking (''NPRM'') setting out proposed revisions to its rules defining who qualifies as a ''member'' of a membership association. The term is defined twice in the Commission's rules, and the definitions are identical. The NPRM sought comment on three alternative definitions, but inadvertently omitted one portion of one alternative from one of the parallel definitions. This technical revision to the NPRM corrects that oversight.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street, N.W., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On December 22, 1997, the Commission published a Notice of Proposed Rulemaking seeking comment on three alternative revisions (Alternatives A, B and C) to its rules defining who qualifies as a ''member'' of a membership association. 62 FR 66832. Each Alternative describes a range of financial and organizational attachments that would be sufficient to confer membership status.

A membership association can solicit contributions from its members to a separate segregated fund established by the association, and can include express electoral advocacy in communications to its members. 2 U.S.C. 441b(b)(2)(A), 441b(b)(4)(C). The Commission's rules for both activities are identical. Those governing solicitations are found at 11 CFR 114.1(e), and those governing communications are found at 11 CFR 100.8(b)(4)(iv).

In keeping with the statutory and regulatory scheme, the Commission intended that all three alternatives would apply to both 11 CFR 100.8(b)(4)(iv) and 114.1(e). However, the NPRM as published inadvertently omitted Alternative C for paragraph 114.1(e)(2)(ii), although it included it for parallel paragraph 100.8(b)(4)(iv)(B)(2). *See* 62 FR 66837, 66838 (Dec. 22, 1997). Under Alternative C, a person would be considered a ''member'' of a