

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 98-002-1]

Change in Disease Status of Great Britain Because of Exotic Newcastle Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to recognize Great Britain as free of exotic Newcastle disease (END). This proposed action is based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food, and is in accordance with standards set by the Office International des Epizooties for recognizing a country as free of END. This proposed action would relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain. It would relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This proposed action would also relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

DATES: Consideration will be given only to comments received on or before June 22, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-002-1, 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. 98-002-1. 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. John Cougill, Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-3399; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various animal diseases, including exotic Newcastle disease (END), into the United States. END is a contagious, infectious, and communicable disease of birds and poultry.

Section 94.6(a)(1) of the regulations provides that END is considered to exist in all regions of the world except those listed in § 94.6(a)(2), which are considered to be free of END. The importation into the United States of any carcasses, or parts or products of carcasses, of poultry, game birds, or other birds that are from a region where END is considered to exist, or that have been imported from or moved into or through any region where END is considered to exist, is subject to the restrictions contained in § 94.6(c). In addition, the importation into the United States of eggs (other than hatching eggs) laid by poultry, game birds, or other birds that are from a region where END or *Salmonella enteritidis* (SE) phage-type 4 is considered to exist, or that have been imported from or moved into or through any region where END or SE phage-type 4 is considered to exist, is subject to the restrictions contained in § 94.6(d). Poultry eggs for hatching imported from a region where END is considered to exist must be quarantined in accordance with § 93.209(b).

In this document, we are proposing to add Great Britain to the list of regions considered to be free of END. We are proposing this action based on information given to the Animal and Plant Health Inspection Service (APHIS) by Great Britain's Ministry of Agriculture, Fisheries, and Food, and

standards set by the Office International des Epizooties (OIE).

In order for a country to be recognized as free of END following detection of disease in that country, the OIE requires that the country follow a strict eradication protocol, which includes restricted movement of poultry, tracebacks of all affected flocks, and a stamping out policy, which includes slaughtering and incinerating affected flocks. The OIE also requires that a country have no reported cases of END for 6 consecutive months before OIE will consider the country free of END.

In a document published in the **Federal Register** on February 7, 1997 (62 FR 5741-5742, Docket No. 97-003-1), and effective on January 31, 1997, we removed Great Britain from the list of regions that were considered to be free of END because of an outbreak of END in Great Britain. Since that time, Great Britain has followed a strict eradication protocol, which included traceback of all affected flocks, restricting movement of poultry in the affected areas, and slaughtering and incinerating all affected flocks. Great Britain has had no reported cases of END since April 1997.

With its request to be considered free of END, Great Britain's Ministry of Agriculture, Fisheries, and Food provided APHIS with information about the eradication procedures that it followed when the outbreak occurred and other pertinent information that we require in order to determine whether Great Britain should be recognized as free of END.

APHIS has reviewed the information provided by Great Britain's Ministry of Agriculture, Fisheries, and Food in support of declaring Great Britain to be free of END. Based on that information, and in accordance with OIE standards for recognizing a country to be free of END, we are proposing to consider Great Britain as free of END. Therefore, we are proposing to amend § 94.6(a)(2) by adding Great Britain to the list of regions considered to be free of END. This proposed action would relieve the restrictions of § 94.6(c) on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain and would relieve the END-specific restrictions of § 94.6(d)(1)(ix) on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This

proposed action would also relieve the quarantine requirements of § 93.206(b) for poultry hatching eggs imported from Great Britain.

On October 28, 1997, we published a final rule and policy statement in the **Federal Register** that established procedures for recognizing regions, rather than only countries, for the purpose of importing animals and animal products into the United States, and that established procedures by which regions may request permission to export animals and animal products to the United States under specified conditions, based on the regions' disease status (see 62 FR 56000–56033, Dockets 94–106–8 and 94–106–9). The final rule was effective on November 28, 1997. The request from Great Britain's Ministry of Agriculture, Fisheries, and Food addressed by this proposed rule is not a request to be recognized as a region, rather than a country, nor a request to establish new import conditions based on the disease status of the regions. Therefore, we have handled and evaluated this request in the traditional framework of recognizing a country as free or not free of a specified disease. If this proposed rule is adopted, the current regulations regarding importation of poultry products from regions free of END will apply.

Executive Order 12866

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would recognize Great Britain as free of END. This proposed action is based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food and is in accordance with OIE standards for recognizing a country as free of END. This proposed rule would relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds, from Great Britain. It would relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This proposed rule would also relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

The United States imports few eggs, only about 0.1 percent of U.S. production. The United States is a very strong net exporter of poultry products, with imports of only 3,546 metric tons and exports of more than 2 million

metric tons in 1996 ("World Trade Atlas," June 1997). More than 99 percent of U.S. poultry product imports originate in Canada. Prior to January 31, 1997, when APHIS removed Great Britain from the list of END-free regions, U.S. imports of poultry products from the United Kingdom, which includes Great Britain and Northern Ireland, accounted for less than 2 percent of the total U.S. imports of poultry products.¹

U.S. producers, consumers, and importers of poultry products may be potentially affected by this proposed rule. However, because the volume of poultry products previously imported from the United Kingdom was so small compared to the amount produced domestically, and because the total volume of overall poultry product imports is also very small, little or no impact on consumer and producer prices and on importers, 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 new 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 94

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

Accordingly, 9 CFR part 94 would be amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.6 [Amended]

2. In § 94.6, paragraph (a)(2) would be amended by adding the words "Great Britain (England, Scotland, Wales, and the Isle of Man)," immediately after the word "Finland,".

Done in Washington, DC, this 15th day of April 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–10560 Filed 4–20–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–03–AD]

Airworthiness Directives; Eurocopter France Model SE3130, SA3180, SE313B, SA318B, and SA318C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France Model SE3130, SA3180, SE313B, SA318B, and SA318C helicopters. This proposal would require initial and repetitive visual inspections and modification, if necessary, of the horizontal stabilizer spar tube (spar tube). This proposal is prompted by an in-service report of fatigue cracks that initiated from corrosion pits. The actions specified by the proposed AD are intended to prevent fatigue failure of the spar tube, separation and impact of the horizontal stabilizer with the main or tail rotor, and subsequent loss of control of the helicopter.

¹ Trade data for Great Britain alone was not available.