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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 97-131-3]

Horses From Qatar; Change in Disease Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation of horses to remove Qatar from the list of regions the Animal and Plant Health Inspection Service considers affected with African horse sickness. This action is based on information received from Qatar and is in accordance with the standards set by the Office International des Epizooties for recognizing a country as free of African horse sickness. This action relieves restrictions on the importation of horses into the United States from Qatar.

EFFECTIVE DATE: January 20, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garriss, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231; (301) 734-8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) prescribe the conditions for the importation into the United States of specified animals to prevent the introduction of various animal diseases, including African horse sickness (AHS). AHS is a fatal equine viral disease that is not known to exist in the United States.

In § 93.308 of the regulations, paragraph (a)(2) lists regions that the Animal and Plant Health Inspection Service (APHIS) considers affected with AHS and sets forth specific quarantine requirements for horses that are imported from those regions. APHIS requires horses intended for importation from any of the regions listed, including horses that have stopped in or transited those regions, to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days. This precaution is necessary to help ensure that the horses are not affected with AHS.

On May 12, 1998, we published in the **Federal Register** (63 FR 26099-26100, Docket No. 97-131-1) a proposal to amend the regulations by removing Qatar from the list of regions in § 93.308(a)(2) that APHIS considers affected with AHS. The proposed action was based on information received from Qatar and standards set by the Office International des Epizooties (OIE).

We solicited comments concerning our proposal for 60 days ending July 13, 1998. On January 14, 1999, we published in the **Federal Register** (64 FR 2449, Docket No. 97-131-2) a notice reopening and extending the comment period until February 16, 1999. During the comment period, we received comments from two industry representatives.

Both commenters stated that APHIS should have performed an on-site evaluation to verify the information Qatar submitted to support its request to be declared free of AHS, and one commenter stated that he could not support the proposed rule because an on-site evaluation was not performed.

The United States is a signatory to the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT). Basic to NAFTA and GATT are the provisions to encourage countries to base their sanitary and phytosanitary measures on international standards. Animal health measures should be based on OIE standards. Based on the standards set forth by the OIE, a country may be recognized as free of AHS if the following conditions are satisfied: (1) The country requires that AHS be reported; (2) the country has not vaccinated domestic horses or other equines against the disease during the

past 12 months; and (3) the country has no clinical, serological (in nonvaccinated animals), or epidemiological evidence of AHS for the past 2 years. Qatar exceeds these requirements. Qatar requires reporting of AHS, has not had a recorded case of AHS for over 30 years, and has not vaccinated for the disease during this period.

In addition to the OIE standards, APHIS considered Qatar's horse population, quarantine requirements, disease surveillance system, laboratory capabilities, and geography.

Qatar has approximately 1,500 horses, and the majority of these horses are maintained at Government-funded equestrian and racing club stables or at a small number of stud farms. Qatar allows the temporary importation of registered competition horses from member States of the European Union (EU) to compete in Qatar with unimpeded return to the country of origin immediately after competition. However, competition horses that enter under temporary importation rules are maintained in Government-funded facilities with strict movement controls, health monitoring, and vector control. In addition, Qatar imports horses for purposes other than competition under special conditions only from countries that meet the export requirements of EU countries. Qatar has quarantine and testing requirements for these horses.

Qatar conducts continuous AHS serum surveys in its domestic horses. Currently, there is not a diagnostic laboratory in Qatar that is capable of isolating and typing the virus that causes AHS; however, Qatar sends samples from its ongoing AHS surveys to the Institute for Animal Health at the Pirbright Laboratory in the United Kingdom. In addition, all horses that are known to have died or are euthanized in Qatar are routinely autopsied, and reports are submitted to the Chief Veterinary Officer. If an infectious disease is suspected, all animals that were in contact with the suspect animal are isolated and monitored. If AHS were suspected, blood, pleural effusions, and tissue samples would be obtained and submitted for testing.

Qatar is a small land mass that extends from the eastern edge of the Arabian peninsula. Qatar is surrounded on the north, east, and south by water and has a small land border shared with

Saudi Arabia, which is recognized by the OIE as AHS free. The land border is strictly controlled by the Government of Qatar.

APHIS also evaluated Qatar's veterinary service infrastructure and the animal health policies and infrastructures for animal disease control. Our review of information submitted by Qatar indicates that these infrastructures and policies are adequate for disease control.

Both commenters stated that the supplementary information that Qatar submitted should have been made available to the public for review.

Such information was available from the person listed under **FOR FURTHER INFORMATION CONTACT**. In addition, we now publish on the Internet supporting documentation provided by a region when it requests a change in its disease status; however, the request for Qatar was submitted before these procedures were in place. The Internet address is <http://www.aphis.usda.gov/vs/reg-request.html>. This Internet address can be accessed by the public. The public may also call or write the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule relieves restrictions that require horses imported from Qatar to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days. This rule allows horses from Qatar to be shipped to and quarantined at ports designated in § 93.303 and reduces the quarantine period to an average of 3 days to meet the quarantine and testing requirements specified in § 93.308. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective less than 30 days after the date of publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This 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 final rule will recognize Qatar as free of AHS. This action will allow horses from Qatar to be shipped to and quarantined at ports designated in § 93.303 and will reduce the quarantine and testing period to an average of 3 days to meet quarantine requirements specified in § 93.308.

U.S. importers of competition and breeding horses from Qatar will be affected by this rule. These importers will no longer be required to quarantine horses from Qatar for 60 days at the New York Animal Import Center in Newburgh, NY, at a cost of approximately \$5,296 per horse.

In 1998, the United States imported 41,876 horses, valued at \$206 million. However, there have been no horses imported into the United States from Qatar since 1992. Removing the requirement for a 60-day quarantine for horses from Qatar will make the importation of these horses less expensive and logistically easier. As a result, we anticipate that U.S. importers might begin importing horses from Qatar. However, because the horse population in Qatar in 1998 was approximately 1,500 head, we do not expect that the number of horses exported to the United States will be significant. In fact, in 1997, Qatar exported only 10 horses. Furthermore, most horses imported from Qatar will probably be in the United States on a temporary basis for particular events, such as for races or breeding, and then transported back to Qatar. For these reasons, we anticipate the overall economic effect on U.S. entities will be minimal.

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This 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 are amending 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 continues 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 371.2(d).

§ 93.308 [Amended]

2. In § 93.308, paragraph (a)(2) is amended by removing “Qatar;”.

Done in Washington, DC, this 21st day of December 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–219 Filed 1–4–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–91–AD; Amendment 39–11493; AD 99–27–12]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model A109A and A109A II Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Agusta Model A109A and A109A II helicopters, that currently requires, before further flight, inspecting any tail rotor blade (blade) with 400 or more hours time-in-service (TIS) for a crack and replacing any cracked blade before further flight. This amendment contains the same requirements as the current AD but corrects the paragraph that requires “replacing any cracked blade with an unairworthy blade.” This amendment is prompted by the need to correct the requirement to mandate