DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 54 and 79

[Docket No. 97–093–1]

RIN 0579–AA90

Interstate Movement of Sheep and Goats From States That Do Not Quarantine Scrapie Infected and Source Flocks

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are soliciting public comment to help us develop options for potential changes to our regulations for the interstate movement of sheep and goats. We believe changes may be necessary to improve control and limit the spread of scrapie, a serious disease of sheep and goats. After evaluating public comment on the issues presented in this notice, we will determine whether proposing changes to our regulations is necessary.

DATES: Consideration will be given only to comments received on or before March 27, 1998.

ADDRESSES: Comments may be submitted as paper copies or through the World Wide Web. If you submit paper copies, please send an original and three copies of your comments to Docket No. 97–093–1, 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. 97–093–1. We encourage the submission of copies through the World Wide Web, since this both facilitates our analysis of the comments and allows us to make the text of comments available to the public via the Internet. The Web page address for comments on this proposed rule is http://www.aphis.usda.gov/ppd/scrapie. This Web page also contains copies of the proposed rule in several formats and links to related information. Please be sure to include your full name and organization in any comments you submit via the Web. If your Web comment is a duplicate of a paper copy you have submitted, please state this in the first line of your Web message. Both paper and Web 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. Joseph VanTiem, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737–1231, (301) 734–7716.

SUPPLEMENTARY INFORMATION:

Background

Scrapie is a degenerative and eventually fatal disease affecting the central nervous systems of sheep and goats. Its control is complicated because the disease often has an extremely long incubation period without clinical signs of disease, and because there is no validated live-animal test for the disease.

Scrapie is the prototype of the group of diseases known as the transmissible spongiform encephalopathies (TSEs). These diseases are caused by a transmissible agent which is yet to be fully characterized. TSEs share the following common characteristics:

- A prolonged incubation period of months or years;
- A progressive debilitating neurological illness that is always fatal;
- When examined by electron microscopy, detergent treated extracts of brain tissue from animals or humans affected by these diseases reveal the presence of scrapie associated fibrils;
- Pathological changes are confined to the central nervous system and include vacuolation, astrocytosis, and glyosis. Amyloid plaques may be seen, especially in mice and hamsters; and
- The transmissible agent elicits no detectable specific immune response in the host.

Several recent scientific findings are relevant to the understanding and control of scrapie. While there is still no validated live animal test for scrapie, a recent study conducted in The Netherlands (Schreuder *et al.*, 1996) indicates that immunohistochemical analysis of tonsil samples may be useful in detecting scrapie in sheep prior to the onset of clinical signs. The Animal and Plant Health Inspection Service (APHIS) is currently completing a pilot study to harvest various tissues (tonsil, head lymph nodes, and brain) from mature sheep at slaughter and then test them using immunohistochemistry to ascertain if the partially protease-resistant form of the prion protein (PrPsc—the protein associated with scrapie) may be routinely detected in the preclinical animal. If this proves to be an effective method of surveillance, it may prove useful as a screening tool and facilitate tracebacks to infected flocks.

In addition to the possibility that a validated live-animal test for scrapie may be developed, genetic studies have yielded a greater understanding of the role of specific genes in determining the incubation period of scrapie in sheep. However, there is still much to be determined about the role of genetics in scrapie susceptibility. A key question is whether certain genotypes fully prevent scrapie infection, or merely protect against clinical manifestation in an animal while possibly allowing the animal to serve as a carrier of scrapie.

While these advances may come to significantly affect the control of scrapie, current control programs rely largely on postmortem diagnosis of scrapie, traceback of animal movements, and certification of flocks' scrapie status based on monitoring the flock for scrapie over a period of years.

Current APHIS initiatives concerning scrapie include interstate movement regulations in 9 CFR part 79, which restrict the interstate movement of certain sheep and goats in order to help control the spread of scrapie, and the Voluntary Scrapie Flock Certification Program (the Voluntary Program), described in regulations in 9 CFR part 54 and in a program standards document entitled ''Uniform Methods and Rules—Voluntary Scrapie Flock Certification'' (UM&R), which is available at http://www.aphis.usda.gov/vs/scrapie/umr. A hard-copy of the UM&R may be obtained by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT**.

APHIS worked with industry to develop the Voluntary Program, under which participating flocks follow strict identification, recordkeeping and other requirements and may eventually be certified free from scrapie. If a flock that is participating in the Voluntary Program is identified as an infected flock or source flock, it is removed from the program until the flock completes a flock plan. The flock plan calls for an epidemiologic investigation to remove high-risk animals from the flock and includes other conditions, such as cleaning and disinfection of flock premises, educating flock personnel in techniques to recognize clinical signs of scrapie and control its spread, and maintaining records of animals in the flock.

The regulations in part 79 also restrict the interstate movement of scrapie-positive sheep and goats, and sheep and goats from scrapie infected and source flocks. The regulations impose minimal restrictions on the interstate movement

of animals [1] under 1 year of age destined for slaughter and animals marked on the jaw with a 1-inch letter ''S.'' Other animals from scrapie infected and source flocks may be moved interstate under requirements that limit the further spread of scrapie and make it feasible to trace back the movements of animals that are later diagnosed with scrapie. These requirements include:

- The owner of the flock or his or her agent has signed an agreement with the Administrator in which the owner of the flock or his or her agent agrees to comply with the requirements of 9 CFR 79.2 until the time the flock is no longer an infected flock or source flock.
- The owner of the flock or his or her agent shall immediately report to a State representative, APHIS representative, or an accredited veterinarian any animals in the flock exhibiting the following: weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, swaying of back end; increased sensitivity to noise and sudden movement; tremor, ''star gazing,'' head pressing, recumbency, or other signs of neurological disease or chronic wasting illness. Such animals must not be removed from the flock without written permission of an APHIS representative or State representative.
- The owner of the flock or his or her agent shall identify all animals 1 year of age or over within the flock. All animals less than 1 year of age will be identified when a change of ownership occurs, with the exception of those moving within slaughter channels. The form of identification shall be an electronic implant, flank tattoo, or ear tattoo, providing a unique identification number that may be applied by the owner of the flock or his or her agent in accordance with instructions by an APHIS representative, State representative, or an accredited veterinarian.
- The owner of the flock or his or her agent shall maintain, and keep for a minimum of 5 years after an animal dies or is otherwise removed from a flock, the following records for each animal in the flock: The animal's individual identification number from its electronic implant, flank tattoo, or ear tattoo, and any secondary form of identification the owner of the flock may choose to maintain; sex; breed; date of acquisition and source (previous flock), if the animal was not born in the flock; and disposition, including the date and cause of death, if known, or date of removal from the flock.
- The owner of the flock or his or her agent shall allow breed associations and registries, livestock markets, and packers to disclose records to APHIS representatives or State representatives, to be used to trace source flocks and expose animals.
- The owner of the flock or his or her agent shall make animals in the flock and records required to be kept under paragraph (a)(2)(iv) of 9 CFR 79.2 available for inspection by APHIS representatives and State representatives, given reasonable prior notice.
- Upon request of an APHIS representative, the owner of the flock or his or her agent will have an accredited veterinarian collect and submit tissues from animals reported in accordance with paragraph (a)(2)(ii) of 9 CFR 79.2 to a laboratory designated by an APHIS representative.

However, part 79 applies only when flock owners wish to move sheep interstate. Part 79 does not restrict the *intrastate* movement of animals from infected and source flocks, and such movement may spread scrapie to other animals in a State. If these other animals, which are not subject to the restrictions in part 79, then move interstate, scrapie could be spread interstate.

Therefore, there is a risk that scrapie infection that originated in an infected or source flock could spread interstate despite part 79. This risk is very low where State authorities have imposed quarantines on infected and source flocks that keep animals in these flocks from contact with other animals. The risk is higher in States that do not quarantine scrapie infected and source flocks.

APHIS does not have statutory authority to require intrastate movement restrictions for sheep and goats (unless the Secretary has declared an extraordinary emergency). However, APHIS does have statutory authority to restrict the interstate movement of animals from a State if intrastate movement practices result in a threat of spreading disease interstate. We are seeking public input on whether and how APHIS should restrict the interstate movement of animals from States that do not quarantine infected and source flocks.

We are examining current interstate movement restrictions both to ensure effective domestic control of scrapie and to ensure that our domestic interstate restrictions are consistent with our requirements for importing sheep and goats. The World Trade Organization principles of ''national treatment'' and ''transparency'' state that regulations shall be applied without discrimination between domestic and imported consignments, and that countries shall make available to trading partners the rationale of their requirements. Our current regulations for importing sheep and goats use equivalency with the Voluntary Program to qualify certain animals for import (see 9 CFR 93.435), and we wish to ensure consistency between our import requirements and our interstate movement requirements.

We believe the interstate movement restrictions and the definition of ''flock plan'' in part 79 provide a good model for how an infected or source flock may be effectively quarantined and managed until release from quarantine is justified. One possible approach to controlling the intrastate contact risks described above would be to amend part 79 to prohibit or restrict movement of animals from a State unless the State quarantines infected and source flocks in a manner that is equivalent to the methods employed by part 79. However, commenters may well suggest other approaches to revising part 79 to address the risks of intrastate movements from infected and source flocks.

In particular, we ask commenters to address the following areas that apply to possible State quarantine standards, the alignment of Federal interstate movement restrictions with State standards, and Voluntary Program standards:

- Should APHIS further restrict interstate movement of animals from States that do not consider scrapie a reportable disease or do not quarantine infected flocks or source flocks? If so, should restrictions focus on high-risk animals or on broader classes of animals? (A high-risk animal is defined in 9 CFR 79.1. In short, a high-risk animal is: (1) An animal that is the progeny of a scrapie-positive dam; (2) an animal born in the same flock during the same lambing season as progeny of a scrapie-positive dam, with certain exceptions outlined in the definition; or (3) an animal born during the same lambing season as a scrapie-positive ewe or ram in a source flock or trace flock.)
- Currently, part 79 does not restrict interstate movement of high-risk animals from flocks that are not infected flocks or are not source flocks. Should APHIS restrict such movements, and if so, how?
- Should APHIS define how a State must conduct a quarantine in order to avoid further restrictions on interstate movement of animals from that State? If so, how should APHIS describe the necessary quarantine conditions (*e.g.*, imposition of the quarantine; movement of animals into and from quarantined flocks; duration of the quarantine; identification requirements for quarantined animals, development and use of a flock plan; procedures for release from quarantine and follow-up monitoring)?
- Should any of the definitions in the interstate movement regulations in part 79 or the Voluntary Program in part 54 be revised to better address this problem (*e.g.*, the definitions of source flock, trace flock, and high-risk animal)?
- Should there be additional permit or official identification requirements for the interstate movement of any classes of sheep and goats to allow for a more effective national program for surveillance for scrapie and traceback of scrapie-positive animals?
- Currently APHIS makes the following information available on its World Wide Web

[1] Throughout this document, when the term ''animals'' is used, it refers only to sheep and goats.

site: The identity of scrapie infected flocks and source flocks designated under part 79, and the identity and certification status of flocks participating in the Voluntary Program. Should APHIS continue to provide this information on the Web?

• To assess the impacts of options regarding the interstate movement of sheep and goats, baseline estimates of costs and benefits are needed. What are the costs and benefits of the current system of part 79, State quarantine standards, and the Voluntary Program? For example, what costs are involved in complying with State quarantine programs and how large are these costs? Similarly, what are the costs to a flock owner who participates in the Voluntary Program?

We invite comments on these topics. We also welcome ideas as to different approaches we might take to improve our scrapie programs. In responding to the questions posed in this notice, commenters are urged to include economic reasons and data supporting their positions.

Whenever possible, please refer to specific terms, definitions, or procedures contained in the current regulations in 9 CFR parts 54 and 79, and in the program standards UM&R (available at http://www.aphis.usda.gov/vs/scrapie/umr). A hard-copy of the program standards UM&R may be obtained by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT**. These resources should provide a common context for discussing suggested changes. You may also wish to refer to the Scrapie Flock Status Report on the APHIS Web, which lists the certification status of flocks in the Voluntary Program and identifies known infected and source flocks nationwide. This report is at http://www.aphis.usda.gov/vs/scrapie/status.html.

Authority: 21 U.S.C. 111–114, 114a, 115, 117, 120, 121, 123–126, 134a–134h; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 21st day of January 1998.

Thomas E. Walton,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–1810 Filed 1–21–98; 4:40 pm]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AE26

Industry Codes and Standards: Amended Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of public comment period on proposed rule.

SUMMARY: On December 3, 1997, (62 FR 63892) the NRC published for public comment a proposed rule to amend its regulations to incorporate by reference later editions and addenda of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. The comment period for this proposed rule was to have expired on March 3, 1998. The Nuclear Energy Institute (NEI), on behalf of the nuclear energy industry, requested an extension of the comment period for the proposed revision. NEI stated that the comprehensive nature of this proposed rule will require a significant effort to collect and review comments from members of the industry. The NRC agrees that the proposed rule constitutes a significant revision to 10 CFR 50.55a. In order to ensure that the NRC receives comments from the parties most likely to be affected by the revision, the NRC has decided to extend the public comment period for an additional 30 days. The extended comment period now expires on April 3, 1998.

DATES: The comment period has been extended and now expires April 3, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. ATTN: Rulemaking and Adjudications Staff. Hand deliver comments to 11545 Rockville Pike, Rockville, Maryland, 20852, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive website, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Single copies of this proposed rulemaking may be obtained by written request or telefax to 301–415–2260 or from Frank C. Cherny, Division of Engineering Technology, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–6786, or Wallace E. Norris, Division of Engineering Technology, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–6796.

Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may also be viewed and downloaded via the interactive rulemaking website as established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Frank C. Cherny, 301–415–6786.

Dated at Rockville, Maryland, this 14th day of January, 1998.

For the Nuclear Regulatory Commission.

L. Joseph Callan,

Executive Director for Operations.

[FR Doc. 98–1750 Filed 1–23–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASO–31]

Proposed Amendment to Class E Airspace; Daytona Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class E airspace at Daytona beach, FL. A Global Positioning System (GPS) Runway (RWY) 6 (Special) Standard Instrument Approach Procedure (SIAP) has been developed for Spruce Creek Airport. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Spruce Creek Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

DATES: Comments must be received on or before February 25, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 97–ASO–31, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337; telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Airspace Branch, Air