

Proposed Rules

Federal Register

Vol. 64, No. 65

Tuesday, April 6, 1999

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 93

[Docket No. 98-055-1]

Horses From Morocco; Change in Disease Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

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

DATES: Consideration will be given only to comments received on or before June 7, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-055-1, 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. 98-055-1. 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, Senior 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: john.w.cougill@usda.gov.

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 viral equine disease that is not known to exist in the United States.

Section 93.308(a)(2) of the regulations 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.

We are proposing to recognize Morocco as free of AHS. We are proposing this action based on information given to APHIS by Morocco and standards set by the Office International des Epizooties (OIE).

In order for a country to be recognized as free of AHS, the OIE requires the disease to be mandatorily reportable. In addition, the country must not have vaccinated domestic horses or other equines against the disease during the past 12 months. The OIE also requires that the country have no clinical, serological (in nonvaccinated animals), or epidemiological evidence of AHS for the past 2 years. Morocco has not had a recorded case of AHS in over 6 years, and vaccination against AHS has not been permitted for over 3 years.

With its request to be considered free of AHS, Morocco provided APHIS with information about its veterinary infrastructure, animal health monitoring system, trading practices with other regions, and other pertinent information that we require in order to determine whether Morocco should be recognized as free of AHS.

APHIS has reviewed the information provided by Morocco in support of declaring it free of AHS. Based on that information, and in accordance with OIE standards for recognizing a country as free of AHS, we are proposing to consider Morocco as free of AHS. Therefore, we are proposing to amend § 93.308(a)(2) by removing Morocco from the list of regions declared affected with AHS. This proposed action would allow horses from Morocco to be shipped to and quarantined at ports designated in § 93.303, and would reduce the quarantine period to an average of 3 days to meet the quarantine and testing requirements specified in § 93.308.

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 Nos. 94-106-8 and 94-106-9). The final rule was effective on November 28, 1997. The request from Morocco 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 regions. Therefore, we have handled and evaluated this request in the traditional framework of recognizing a country as affected or not affected with a specified disease. If this proposed rule is adopted, the current regulations regarding importation of horses from regions free of AHS will apply.

We are also proposing to revise 93.308(a)(2) to make it easier to read.

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 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 Morocco as free of AHS. This action would allow horses from Morocco to be shipped to and quarantined at ports

designated in 93.303 and would 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 Morocco would be affected by this rule if it is adopted. These importers would no longer be required to quarantine horses from Morocco for 60 days at the New York Animal Import Center in Newburgh, NY, at a cost of approximately \$5,296 per horse.

In 1996, the United States imported 31,633 horses, valued at \$7,523,000; none of these horses were imported into the United States from Morocco. Removing the requirement for a 60-day quarantine for horses from Morocco would make the importation of horses less expensive and logistically easier. As a result, we anticipate that U.S. importers of competition and breeding horses might begin importing horses from Morocco. Since the value of Morocco's exports of purebred horses in 1996 was approximately \$39,000, we do not expect that the number of horses exported to the United States would be significant. Furthermore, most horses imported from Morocco would probably be in the United States on a temporary basis for particular events, such as for races, or for breeding, and then transported back to Morocco. For these reasons, we anticipate the overall economic impact on U.S. entities would be minimal.

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 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 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 propose to amend 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 would continue 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).

2. In 93.308, paragraph (a)(2) would be revised to read as follows:

§ 93.308 Quarantine requirements.

(a) * * *

(2) Horses intended for importation from regions APHIS considers to be affected with African horse sickness may enter the United States only at the port of New York, and must be quarantined at the New York Animal Import Center in Newburgh, New York, for at least 60 days. This restriction also applies to horses that have stopped in or transited a region considered affected with African horse sickness. APHIS considers the following regions to be affected with African horse sickness: All the regions on the continent of Africa, except Morocco; Oman, Qatar, Saudi Arabia, and the Yemen Arab Republic.

* * * * *
Done in Washington, DC, this 31st day of March 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–8456 Filed 4–5–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–11–AD; Amendment 39–11113; AD 99–08–07]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Helicopter Systems (MDHS) Model 369E, 369FF, 500N, and 600N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing priority letter airworthiness

directive (AD) 98–17–14, applicable to MDHS Model 369E, 369FF, 500N, and 600N helicopters, that currently requires, within the next 14 calendar days, inspecting each relay receptacle contact socket for correct size of the contact socket holes and replacing incorrectly-sized contact sockets with airworthy contact sockets. This amendment requires the same inspections and replacements as the existing priority letter AD, but changes the serial numbers affected for the MDHS Model 500N and 600N helicopters and changes a part number that was incorrectly referenced in the existing AD. This amendment is prompted by three incidences in which a MDHS Model 600 helicopter's Engine Control Unit (ECU) Fail light illuminated, even though the ECU continued to automatically control the engine. The cause of the ECU malfunction indication was determined to be contact sockets that did not properly fit the corresponding pins of the affected relay. Improperly sized contact sockets could create multiple unsafe conditions. These conditions, if not corrected, could result in the loss of various engine control or warning systems including the undetected loss of the auto-reignition function after an engine flameout, failure of an engine to reignite, and a subsequent forced landing and the inability to immediately detect an engine-out condition or to properly govern main rotor speed following loss of the Full Authority Digital Engine Control (FADEC), and subsequent loss of control of the helicopter.

DATES: Effective April 21, 1999.

Comments for inclusion in the Rules Docket must be received on or before June 7, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–11–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Bruce Conze, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5261, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On August 14, 1998, the FAA issued Priority Letter AD 98–17–14, applicable to MDHS Model 369E, 369FF, 500N and 600N helicopters, that requires, within the next 14 calendar days, inspecting each relay receptacle, part number (P/N) HS4256–1, contact sockets for correct size of the contact socket holes, and