

# Proposed Rules

Federal Register

Vol. 60, No. 204

Monday, October 23, 1995

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

### Agricultural Marketing Service

#### 7 CFR Parts 1124 and 1135

[Docket Nos. AO-368-A25, AO-380-A15; DA-95-01]

#### Milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon Marketing Areas; Notice of Extension of Time for Filing Briefs

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Extension of Time for Filing Briefs.

**SUMMARY:** This notice extends the time for filing briefs on the record of the Pacific Northwest and Southwestern Idaho-Eastern Oregon hearing held July 11, 1995, through July 12, 1995, in Portland, Oregon. The Oregon Department of Corrections requested additional time to review the hearing record and to prepare briefs.

**DATES:** Briefs are now due on or before October 23, 1995.

**ADDRESSES:** Briefs (6 copies) should be filed with the Hearing Clerk, Room 1083, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Clifford M. Carman, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9368.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

Notice of Hearing: Issued June 15, 1995; published June 21, 1995 (60 FR 32282).

Notice is hereby given that the time for filing briefs and proposed finding and conclusions on the record of the public hearing held July 11, 1995, through July 12, 1995, at Portland, Oregon, with respect to tentative marketing agreements and to the orders regulating the handling of milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon marketing areas

pursuant to the notice of hearing issued June 15, 1995, and published June 21, 1995 (60 FR 32282), is hereby extended to October 23, 1995.

The Oregon Department of Corrections requested an extension of time to file briefs based on the impact certain proposals could have on the Department of Corrections' milk production and sales program. An extension of time to file briefs is granted in accordance with the above-noticed deadlines.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

List of Subjects in 7 CFR Parts 1124 and 1135

Milk marketing orders.

Dated: October 12, 1995.

Lon Hatamiya,

*Administrator.*

[FR Doc. 95-26083 Filed 10-20-95; 8:45 am]

**BILLING CODE 3410-02-M**

### Animal and Plant Health Inspection Service

#### 9 CFR Part 92

[Docket No. 95-052-1]

#### Horses From Bermuda and the British Virgin Islands; Quarantine Requirements

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations regarding the importation of horses from Bermuda and the British Virgin Islands to remove the requirement that such horses be quarantined for not less than 7 days upon arrival in the United States. We believe this action is warranted because Bermuda and the British Virgin Islands have reported no cases of Venezuelan equine encephalomyelitis (VEE), and it appears that horses imported from Bermuda and the British Virgin Islands with less than a 7-day quarantine would not pose a risk of transmitting VEE to horses in the United States.

**DATES:** Consideration will be given only to comments received on or before December 22, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-052-1, 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. 95-052-1. 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. Joyce Bowling, Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B08, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-6479.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 92, referred to below as the regulations, govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases.

The regulations in § 92.308(a)(1) now require horses imported from all parts of the Western Hemisphere except Argentina, Canada, and Mexico to be quarantined for not less than 7 days upon arrival in the United States to prevent the introduction of Venezuelan equine encephalomyelitis (VEE). VEE is an equine viral disease, transmitted primarily by mosquitoes and other hematophagous (blood-feeding) insects, particularly flying insects, that results in a high mortality rate in animals infected with the disease. Although tests exist for the presence of VEE in horses, the tests currently available may yield positive results for horses that have been vaccinated for VEE but that are not otherwise affected with the disease. The most efficient method for initial identification of horses that may be infected with VEE is observation of the horses for clinical signs of the disease. A horse will usually exhibit signs of VEE within 2-5 days after contracting

the disease. Seven days is considered the length of time necessary to ensure that any clinical signs of VEE manifest themselves.

The Governments of Bermuda and the British Virgin Islands have requested that the U.S. Department of Agriculture consider Bermuda and the British Virgin Islands free of VEE and exempt horses imported into the United States from those countries from the 7-day quarantine requirement. No cases of VEE have ever been reported in Bermuda or the British Virgin Islands. Furthermore, based on documentation submitted by the Governments of Bermuda and the British Virgin Islands, it appears that no horses in these countries are affected with VEE. (This documentation is available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**) Therefore, we are proposing to amend § 92.308(a)(1) of the regulations to exempt horses from Bermuda and the British Virgin Islands from the 7-day quarantine requirement. We are also proposing to amend § 92.308(a)(1) of the regulations to specify that the purpose of this 7-day quarantine is to evaluate the horses for signs of VEE.

This proposal would lessen, but not eliminate, restrictions on the importation of horses from Bermuda and the British Virgin Islands into the United States, thus making it somewhat easier to move horses from these countries to the United States. Horses from Bermuda and the British Virgin Islands would still have to be quarantined at a designated port until they test negative to an official test for dourine, glanders, equine piroplasmiasis, equine infectious anemia, and any other tests, inspections, disinfections, and precautionary treatments that may be required by Animal and Plant Health Inspection Service.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would exempt horses imported into the United States from Bermuda and the British Virgin Islands from the requirement for a 7-day quarantine upon arrival. This action appears unlikely to have any significant economic impact on U.S. entities.

The United States had a total population of 2,049,522 horses in 1992. There were 338,346 farms that kept horses. Over 98 percent of these farms

had a market value of less than \$500,000, making them small entities by Small Business Administration standards.

For reasons explained in the Supplementary Information section of this document, there is a negligible risk of horses from Bermuda and the British Virgin Islands introducing VEE into the United States. In addition, we do not expect that this action would result in any increase in the small number of horses imported into the United States from Bermuda and the British Virgin Islands. The total horse population in Bermuda is about 1,000, and only about 10 horses a year are imported from Bermuda into the United States. There are only 50 to 100 horses in the British Virgin Islands, and only a few of those are expected to be imported into the United States, and then only for temporary stays for exhibitions and racing. Under these circumstances, the imported horses would have no impact on market prices.

The only parties that would benefit from this reduced restriction are the potential importers of horses from Bermuda and the British Virgin Islands and those who use the foreign horses in exhibition and racing. The benefit to them arises from the reduced number of days required for quarantine. At present, horses coming from Bermuda and the British Virgin Islands are required to be quarantined for 7 days, while horses from countries free of VEE and certain other equine diseases are quarantined for only about 3 days. Under this proposed rule, horses from Bermuda and the British Virgin Islands would spend approximately 4 fewer days in quarantine, saving approximately \$427 per horse. Furthermore the reduction in the waiting period may induce more economic activity.

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 12778

This proposed rule has been reviewed under Executive Order 12778, 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 92

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

Accordingly, 9 CFR part 92 would be amended as follows:

**PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON**

1. The authority citation for part 92 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, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, 371.2(d).

2. In § 92.308, paragraph (a)(1) would be revised to read as follows:

**§ 92.308 Quarantine requirements.**

(a) \* \* \*

(1) Except as provided in §§ 92.317 and 92.324, and except with respect to horses from Argentina, Bermuda, and the British Virgin Islands, horses intended for importation from the Western Hemisphere shall be quarantined at a port designated in § 92.303 for not less than 7 days to be evaluated for signs of Venezuelan equine encephalomyelitis.

\* \* \* \* \*

Done in Washington, DC, this 11th day of October 1995.

Terry L. Medley,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-26105 Filed 10-20-95; 8:45 am]

BILLING CODE 3410-34-P

**FEDERAL TRADE COMMISSION**

**16 CFR Part 24**

**Extension of Time; Guides for Select Leather and Imitation Leather Products**

**AGENCY:** Federal Trade Commission.

**ACTION:** Extension of time for filing public comments.

**SUMMARY:** The Federal Trade Commission (the "Commission"), as part of its periodic review of its rules and guides, requested public comment on September 18, 1995 concerning its proposed Guides for Select Leather and Imitation Leather Products. The