

Proposed Rules

Federal Register

Vol. 61, No. 49

Tuesday, March 12, 1996

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 92

[Docket No. 94-132-1]

Screening at Privately Owned Bird Quarantine Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations that apply to privately owned bird quarantine facilities for imported birds to provide for the use of nylon screening and to clarify the meaning of "double screened." The proposed amendments would give facility operators a choice of screening materials and would clarify the regulations.

DATES: Consideration will be given only to comments received on or before May 13, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94-132-1, 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. 94-132-1. 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. Tracye R. Butler, Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-5097.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92.100 through 92.107, "Subpart A—Birds" (referred to below as "the regulations"), govern the importation of certain birds to prevent the introduction of communicable diseases of livestock and poultry. As a condition of importation, all imported birds must be quarantined for a minimum of 30 days upon their arrival in the United States. Under § 92.101(c)(2)(ii), certain personal pet birds may remain in the owner's possession during the 30-day quarantine if kept separate from other birds. In all other cases, imported birds must be quarantined in either a U.S. Department of Agriculture quarantine facility or in a privately owned quarantine facility that meets standards set forth in § 92.106(c).

The standards for privately owned quarantine facilities for imported birds include installation of screening over all openings to the outside to prevent the entry of rodents and insects, which could transmit disease. The regulations require that all screening be metal and that all openings to the outside be double-screened (see § 92.106(c)(2)(ii)(A)).

When the regulations were originally adopted, metal mesh was the most commonly available screening material capable of preventing the entry of rodents and insects into the quarantine area. Therefore, metal mesh screens were specified in the regulations. Now, however, strong and durable nylon mesh screening is widely available. This nylon mesh screening effectively prevents the entry of insects into the quarantine area. Therefore, we are proposing to allow the use of nylon mesh screening to prevent the entry of insects in privately owned bird quarantine facilities. Under this proposal, metal mesh screening would continue to be required for preventing the entry of rodents into the quarantine area. This proposed action would offer operators of these facilities a screening alternative.

We are also proposing to clarify the existing regulations concerning double screening. Double screening is currently required on all openings to the outside. However, the term "double screening" is not defined in the regulations. We are therefore proposing to amend the regulations to state clearly that the

screening would have to be comprised of one screen that is insect-proof and a second metal screen that is rodent-proof with a mesh size no larger than 1 inch x 1.5 inches (2.54 cm x 3.81 cm). The two screens would have to be separated by at least 3 inches (7.62 cm) with the metal rodent-proof screen used as the exterior screen. This 3-inch separation is necessary for security purposes; if a person approaches the screened wall from the outside of the quarantine facility, the 3-inch separation between the rodent-proof screen and the insect-proof screen will help prevent the person from being able to touch the birds, and the birds will not be able to peck at the person. If a privately owned bird quarantine facility has a sun room for the hatching eggs of ratites, as provided in § 92.106(c)(2)(ii)(P), the screening in the sun room would have to conform to these proposed requirements.

We believe these proposed actions would expand the selection of screening materials for the operators of privately owned bird quarantine facilities while continuing to minimize the risk of insect or rodent problems at those facilities and would clarify the regulations.

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.

Our economic analysis indicates that the proposed amendments would have little economic impact on privately owned bird quarantine facilities. Metal and nylon mesh are comparably priced. In addition, the proposed rule would add nylon mesh as a screening option; it would not require quarantine facilities to be re-screened. We anticipate that the proposed clarification concerning double screening would have no effect on facilities.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

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. 1662; 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 2.22, 2.80, and 371.2(d).

2. In § 92.106, paragraphs (c)(2)(ii)(A) and (c)(2)(ii)(P)(I) would be revised to read as follows:

§ 92.106 Quarantine requirements.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(A) Be constructed only with material that can withstand continued cleaning and disinfection. All solid walls, floors, and ceilings must be constructed of impervious material. All openings to the outside must be double-screened, with an interior screen of metal or nylon mesh that is impervious to biting insects such as gnats or mosquitos, and an exterior metal screen that is rodent-

proof and is made of wire, such as rabbit wire, hardware cloth, or smooth welded wire, with mesh size no larger than 1 inch x 1.5 inches (2.54 cm x 3.81 cm). The interior and exterior screens must be separated by at least 3 inches (7.62 cm);

* * * * *

(P) * * *

(I) Any of the exterior walls may be replaced by a double-screened wall set in a concrete or concrete-block curb. The double screening shall be of wire mesh or wire mesh and nylon mesh, as provided in paragraph (c)(2)(ii)(A) of this section, with the interior and exterior screens of the sun room wall separated by at least 3 inches (7.62 cm); the concrete or concrete block curb must be at least 12 inches high, impermeable to water, and able to prevent the escape of water, manure, and debris.

* * * * *

Done in Washington, DC, this 6th day of March 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-5861 Filed 3-11-96; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products: Public Workshop on the Improvements of the Appliance Standards Rulemaking Process

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of new location of public workshop.

SUMMARY: On February 22, 1996, the Department of Energy (the Department or DOE) published a notice of public workshop (61 FR 6798, February 22, 1996) announcing a public workshop to be held on Tuesday, March 19, 1996, and Wednesday, March 20, 1996, at the Embassy Suites Hotel in Arlington, Virginia. The workshop will discuss possible initiatives that the Department will undertake to improve the appliance standards program. Due to the overwhelming response to this workshop, a larger facility will be required.

DATES: The public workshop will be held on Tuesday, March 19, 1996, from 9:00 a.m. to 4:30 p.m. and Wednesday,

March 20, 1996, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: The new location for the workshop will be at the Washington National Airport Hilton Hotel (Crystal City), 2399 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

Bryan D. Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-431, 1000 Independence Avenue SW., Washington, DC 20585-0121, (202) 586-0371

Douglas W. Smith, U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC-70, 1000 Independence Avenue SW., Washington, DC 20585-0103, (202) 586-3410

Deborah E. Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-1, 1000 Independence Avenue S.W., Washington, D.C. 20585-0121, (202) 586-8888.

SUPPLEMENTARY INFORMATION: The public workshop to discuss possible initiatives that the Department will undertake to improve the appliance standards program has been relocated. The workshop was originally scheduled to be held on Tuesday, March 19, 1996 and Wednesday, March 20, 1996, at the Embassy Suites Hotel in Arlington, Virginia. The new location for the workshop is the Washington National Airport Hilton Hotel in Arlington, Virginia. A new location was necessary to accommodate the large number of participants who have responded to the February 22, 1996, notice of public workshop published by the Department. 61 FR 798, February 22, 1996. The dates and times for the workshop have not been changed.

Please notify Bryan Berringer at the above listed address of your intention to attend the workshop or if you have any additional questions.

Issued in Washington, DC, March 5, 1996.

Brian T. Castelli,

Chief of Staff, Energy Efficiency and Renewable Energy.

[FR Doc. 96-5700 Filed 3-11-96; 8:45 am]

BILLING CODE 6450-01-M