

# Proposed Rules

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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. 95-079-1]

#### Importation of Horses

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the horse importation regulations to add vesicular stomatitis to the list of diseases from which a premises, and adjoining premises, must be free before a horse from that premises can be imported into the United States. This action appears necessary to prevent the introduction of vesicular stomatitis into the United States.

**DATES:** Consideration will be given only to comments received on or before May 31, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-079-1, 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. 95-079-1. 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. Gary Colgrove, Associate Director, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-3276.

#### 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, including horses, to prevent the introduction of various animal diseases into the United States.

Under § 92.314, horses imported into the United States must be accompanied by a health certificate. The health certificate must contain certain information to ensure that the horses intended for importation into the United States are free from communicable diseases. Among other things, the health certificate must state that no cases of certain communicable diseases, including African horse-sickness, dourine, glanders, surra, epizootic lymphangitis, ulcerative lymphangitis, equine piroplasmiasis, Venezuelan equine encephalomyelitis, and equine infectious anemia, have occurred on the horses' premises of origin, or an adjoining premises, in the 60 days preceding the horses' importation into the United States.

We are proposing to amend the regulations by adding vesicular stomatitis to the list of diseases from which a horse's premises of origin and adjoining premises must be free before the horse may be imported into the United States. We are proposing this change because an outbreak of vesicular stomatitis in the United States could cause significant productivity losses in the horse, cattle, swine, and llama industries in the United States.

Vesicular stomatitis, a viral disease, is known for its sporadic and rapid spread among animal populations. While vesicular stomatitis is not considered either a foreign animal disease in the United States or a fatal disease, it is a disease of concern to the livestock industry and to the Animal and Plant Health Inspection Service. Animals that are infected with vesicular stomatitis develop blister-like lesions in the mouth and on the dental pad, tongue, lips, nostrils, hooves, and teats. These lesions swell and break, exposing raw tissue. This raw tissue is so painful for the infected animals that they often refuse to eat and show signs of lameness. Substantial weight loss normally follows. As a result of infection, dairy cows often develop mastitis, infection of the udder, and many go dry. As such,

vesicular stomatitis represents a serious disease threat to the U.S. livestock population. Additionally, the symptoms of vesicular stomatitis are similar to those of foot-and-mouth disease (FMD), a livestock disease with a high morbidity rate. Only laboratory tests can distinguish between vesicular stomatitis and FMD.

Although vesicular stomatitis is a serious disease threat to different types of livestock, we are proposing to restrict the importation of horses from premises, and adjoining premises, where vesicular stomatitis is present because horses imported into the United States have a greater potential for movement throughout the United States once they have been imported than most other types of livestock. Imported horses are moved to farms throughout the United States, and, over time, they are often relocated to different farms in different parts of the country. Therefore, imported horses have the potential to come into contact with, and possibly infect, a large number of other animals. Therefore, our proposal would restrict the importation of horses from premises, and adjoining premises, where vesicular stomatitis is present in order to reduce the risk of the introduction of vesicular stomatitis into the United States.

Currently, no premises in the United States are under quarantine because of the presence of vesicular stomatitis, but, during the summer of 1995, several premises in four western States were under quarantine because of the presence of vesicular stomatitis. Horses were the first animals in the United States to be affected by the most recent outbreak of vesicular stomatitis. We believe that our proposal would help prevent further occurrences of vesicular stomatitis in the United States by prohibiting the importation into the United States of horses from premises that are not free from vesicular stomatitis or from premises that are adjoining such premises. We believe that this action is necessary to protect the health of livestock in the United States.

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.

We are proposing to add vesicular stomatitis to the list of diseases from which a horse's premises of origin and adjoining premises must be free before the horse may be imported into the United States. Vesicular stomatitis is recognized internationally as a serious disease of horses, cattle, swine, and llamas. Animals that are infected with vesicular stomatitis develop lesions in the mouth and on the dental pad, tongue, lips, nostrils, hooves, and teats. These lesions swell and break, exposing raw tissue. This raw tissue is so painful for the infected animals that they often refuse to eat and show signs of lameness. Substantial weight loss normally follows. As a result of infection, dairy cows often develop mastitis, infection of the udder, and many go dry.

Many countries that import U.S. livestock and animal products could refuse to import such products from the United States if vesicular stomatitis were allowed to spread across the United States. Currently, no premises in the United States are under quarantine because of vesicular stomatitis, but as recently as the summer of 1995, several premises in four Western States were under quarantine because of vesicular stomatitis. This proposed rule would help prevent future outbreaks of this disease.

This proposed rule would involve no additional costs for U.S. horse importers, large or small. Additionally, this proposed rule should not affect the availability of horses for importation to the United States. Restrictions would only be placed on horses from specific premises.

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 new 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 2.22, 2.80, and 371.2(d).

**§ 92.314 [Amended]**

2. In § 92.314, the first sentence would be amended by adding "vesicular stomatitis," immediately following "Venezuelan equine encephalomyelitis,".

Done in Washington, DC, this 26th day of March 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-7839 Filed 3-29-96; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 95-NM-222-AD]

**Airworthiness Directives; Boeing Model 727 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to revise an existing airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, that currently requires inspections to detect loose attach fitting bolts of the door actuator of the main landing gear (MLG), inspections to determine whether serrations are fully mated, and various follow-on corrective actions. That AD also provides for an optional terminating modification for certain requirements. That AD was prompted

by reports of loose attach fitting bolts of the door actuator of the MLG. The actions specified by that AD are intended to prevent an airplane from landing with one MLG partially extended. This action would provide operators the option of terminating all of the requirements of that AD by replacing the aluminum rib fitting with a new steel rib fitting, or by modifying the rib fitting assembly and performing various follow-on actions.

**DATES:** Comments must be received by May 9, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-222-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Walter Sippel, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227-2774; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this