

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 98-002-2]

#### Change in Disease Status of Great Britain Because of Exotic Newcastle Disease

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

**ACTION:** Final rule.

**SUMMARY:** We are recognizing Great Britain as free of exotic Newcastle disease (END). This action is based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food, and is in accordance with standards set by the Office International des Epizooties for recognizing a country as free of END. This action will relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain. It will relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This action will also relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

**EFFECTIVE DATE:** September 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Cougill, 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 94 (referred to below as the regulations) govern the importation into the United

States of specified animals and animal products in order to prevent the introduction of various animal diseases, including exotic Newcastle disease (END), into the United States. END is a contagious, infectious, and communicable disease of birds and poultry.

On April 21, 1998, we published in the **Federal Register** (63 FR 19667-19668, Docket No. 98-002-1) a proposal to recognize Great Britain as free of exotic Newcastle disease (END). The proposed action was based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food, and standards set by the Office International des Epizooties (OIE) for recognizing a country as free of END. Recognizing Great Britain as free of END would relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain, relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain, and relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

We solicited comments concerning our proposal for 60 days ending June 22, 1998. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule without change.

#### Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

This rule relieves certain restrictions on the importation into the United States of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain. We have determined that approximately 2 weeks are needed to ensure that Animal and Plant Health Inspection Service personnel at ports of entry receive official notice of these changes in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective 15 days after publication in the **Federal Register**.

#### Executive Order 12866 and Regulatory Flexibility Act

This 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 rule will recognize Great Britain as free of END. This action is based on information received from Great Britain's Ministry of Agriculture, Fisheries, and Food and is in accordance with OIE standards for recognizing a country as free of END. This rule will relieve restrictions on the importation of carcasses, or parts or products of carcasses, of poultry, game birds, or other birds from Great Britain. It will relieve the END-specific restrictions on the importation of eggs (other than hatching eggs) laid by poultry, game birds, or other birds from Great Britain. This rule will also relieve the quarantine requirements for poultry hatching eggs imported from Great Britain.

The United States imports few eggs, only about 0.1 percent of U.S. production. The United States is a very strong net exporter of poultry products, with imports of only 3,546 metric tons and exports of more than 2 million metric tons in 1996 ("World Trade Atlas," June 1997). More than 99 percent of U.S. poultry product imports originate in Canada. Prior to January 31, 1997, when APHIS removed Great Britain from the list of END-free regions, U.S. imports of poultry products from the United Kingdom, which includes Great Britain and Northern Ireland, accounted for less than 2 percent of the total U.S. imports of poultry products.<sup>1</sup>

U.S. producers, consumers, and importers of poultry products may be potentially affected by this rule. However, because the volume of poultry products previously imported from the United Kingdom was so small compared to the amount produced domestically, and because the total volume of overall poultry product imports is also very small, little or no impact on consumer and producer prices and on importers is expected.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has

<sup>1</sup> Trade data for Great Britain alone was not available.

determined that this action will 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. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This 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 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

#### PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

#### § 94.6 [Amended]

2. In § 94.6, paragraph (a)(2) is amended by adding the words "Great Britain (England, Scotland, Wales, and the Isle of Man)," immediately after the word "Finland,".

Done in Washington, DC, this 10th day of August 1998.

**Joan M. Arnoldi,**

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

[FR Doc. 98-22182 Filed 8-17-98; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-ACE-34]

#### Amendment to Class E Airspace; Kearney, NE

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends Class E airspace area at Kearney Municipal Airport, Kearney, NE. A review of the Class E airspace area for Kearney Municipal Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR) and comply with the criteria of FAA Order 7400.2D.

**DATES:** Effective date: 0901 UTC, December 3, 1998.

Comments for inclusion in the Rules Docket must be received on or before September 25, 1998.

**ADDRESSES:** Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE-520, Federal Aviation Administration, Docket Number 98-ACE-34, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426-3408.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 revises the Class E airspace at Kearney, NE. A review of the Class E airspace for Kearney Municipal Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order

7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the ARP to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Kearney Municipal Airport, NE, will provide additional airspace for aircraft operating under IFR and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting