dated November 30, 1995] is considered acceptable for compliance with AD 95–19–10, amendment 39–9372; and AD 95–20–51, amendment 39–9398.

(h)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(2) Alternative methods of compliance, approved in accordance with AD 96–03–02, amendment 39–9497; or AD 93–03–02 R1, amendment 39–9526; are approved as alternative methods of compliance with this AD.

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–12021 Filed 5–13–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 589

[Docket No. 96N–0135]

RIN 0910–AA91

Substances Prohibited From Use in Animal Food or Feed; Protein Derived From Ruminants Prohibited in Ruminant Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is soliciting comments on the issue of using protein derived from ruminants (e.g., cattle, sheep, goats, mule deer, and elk) in ruminant feed. Animal feed containing protein derived from ruminants may contain the disease agent that causes transmissible spongiform encephalopathy (TSE) in animals. Epidemiological evidence gathered in the United Kingdom (U.K.) suggests a link between an outbreak of ruminant TSE, specifically bovine spongiform encephalopathy (BSE) and feeding animals protein derived from ruminants. In addition information from the U.K. also suggests that exposure to BSE may explain some of the recent cases of variant Creutzfeldt-Jakob disease (v-CJD) in the U.K. This action is being taken to protect the health of animals and to reduce any risk which might be faced by humans. FDA is requesting scientific and economic information and other comments relating to the prohibition of ruminant protein in ruminant feed.

DATES: Written comments by June 13, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: George Graber, Center For Veterinary Medicine (HFV–220), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1724.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of August 29, 1994 (59 FR 44584) FDA issued a proposed rule declaring that specified offal from adult (more than 12 months of age) sheep and goats is not generally recognized as safe for use in ruminant feed and is an unapproved food additive when added to ruminant feed. The proposed rule defined ''specified offal'' as any tissue from the brain, spinal cord, spleen, thymus, tonsil, lymph nodes, or intestines of sheep or goats, or any processed product that is reasonably expected to contain specified offal. Processed products that may contain specified offal include, but are not limited to, meat meal, meat and bone meal, animal byproduct meal, meat byproducts, glandular meal, and cooked bone meal. Accordingly, in the absence of an approved food additive regulation or investigational exemption, the use in ruminant feed of ingredients containing specified offal from adult sheep or goats would cause the feeds to be considered adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (the act). FDA proposed the action because the specified offal may contain the agent that causes scrapie, a TSE of sheep and goats. Since the proposal was issued, the agency has been evaluating the comments submitted on the proposal, monitoring the scientific advances made in understanding the interrelationships among the animal TSE's, and participating in a number of national and international task force/symposia to better understand the BSE epidemic. The actions that would have been prohibited in the proposed rule are considered in this advance notice of proposed rulemaking. If it is determined that some action is necessary, the agency believes issuing an advance notice of proposed rulemaking (ANPRM) will hasten that process.

In the U. K., scrapie has been epidemiologically associated with the occurrence of BSE, another form of TSE. The initial cases of BSE may have been the result of feeding supplements to cattle that were contaminated with prions from scrapie-infected sheep offal. Prions are highly resistant to procedures that modify or destroy nucleic acids. (Refs. 1 and 2). Prions are believed by many scientists to be the agents responsible for TSE's, and they appear to be modified forms of normal proteins.

BSE has been diagnosed in over 155,600 head of cattle from almost 33,000 herds in the U.K. No cases of BSE have been diagnosed in the United States. BSE is postulated to have been spread in the U.K. among cattle by the feeding of processed ruminant protein to cattle. A July 1988 U.K. ban on this feeding practice has resulted in a steady reduction in the number of cases of BSE detected in cattle, with the new cases occurring mainly in animals born before the ban was fully implemented.

Ten cases of CJD have been identified in the U.K. in recent months with a new neuropathological profile. Other consistent features that are unusual include the young age of the cases (16 to 39 years old at onset of clinical signs), clinical findings, and the absence of the electroencephalogram features typical for CJD. Similar cases have not been identified in other countries in the European surveillance system. These 10 cases appear to represent a new variant of CJD (v-CJD), which may be unique to the U.K. The appearance of these 10 cases of v-CJD raises the possibility that they are causally linked to BSE. Although this may be the most plausible explanation for these cases, a link with BSE cannot be confirmed on the basis of this evidence alone. (Ref. 3). Sporadic occurrences of spongiform encephalopathy in humans are known to occur at a rate of 1 to 2 per million population worldwide. A group of international experts convened in April 1996 by the World Health Organization concluded that there is no definite link between BSE and v-CJD, but that circumstantial evidence suggests exposure to BSE may be the most likely explanation. Among other recommendations, the group recommended that all countries should

ban the use of ruminant tissues in ruminant feed (Ref. 4).

II. Issues for Comment

No cases of BSE have been diagnosed in the United States. Despite the fact that there is no problem with BSE in the United States, the agency believes it would be prudent to solicit information and receive comments on this issue. Therefore, the agency is assessing whether to provide that protein derived from ruminants is not generally recognized as safe for use as a ruminant feed or prior sanctioned for such and is a food additive subject to section 409 of the act (21 U.S.C. 348). Absent a determination that it is safe for use as a food additive under section 409 of the act, the use in ruminant feed of ingredients containing protein derived from ruminants would cause the feed to be adulterated. Ruminant-derived protein could be defined as any feed ingredient that is reasonably expected to contain proteinaceous material that derives from ruminant species. Processed feed ingredients that may contain ruminant-derived protein include, but are not limited to, products meeting the following animal feed definitions: animal byproduct meal, blood meal, cooked bone meal, glandular meal, meat and bone meal, meat byproducts, and meat meal. The agency is prepared to consider the exclusion of specific ruminant products from the prohibition, such as milk products, blood products, fetal bovine serum, and gelatin based on appropriate and adequate scientific information which demonstrates no infectivity.

In addition, the agency is considering labeling requirements for ruminant-derived proteins for enforcement purposes.

III. Agency Request for Information

FDA is soliciting comments on all aspects of this ANPRM, and specifically requests comments on the following issues:

1. The occurrence in the United States of TSE's in animals.

2. Scientific information on how TSE's occur and are spread among animals and among humans and what vectors might be involved.

3. Scientific information on the ecology of TSE agents, and the epidemiology, etiology, and pathogenesis of TSE diseases.

4. Scientific information supporting the exclusion of any ruminant-derived proteins from the proposed prohibition.

5. Establishment of Hazard Analysis and Critical Control Points (HACCP) for the rearing of ruminants, and rendering or other processing of ruminant derived feed ingredients, that may reduce the need to prohibit the feeding of ruminant protein to ruminants.

6. Details of rendering or processing practices that may inactivate the TSE agents and information and evidence which shows that these practices are effective.

7. Data on the amount of material affected by this ruminant protein to ruminant feed prohibition, specifically: (a) The total volume of the processed feed ingredients that may contain ruminant-derived protein which were produced in the United States in recent years, (b) details of the total volume used for each of these ingredients in the rations of the various animals in the United States, (c) information on the percentage of the diet each ingredient

typically comprises for each species and what percentage of the total volume is fed to each species, and (d) other information.

8. Economic and environmental adverse consequences or benefits resulting from a ruminant protein to ruminant feed prohibition on: (a) The farmer/producer, (b) the slaughter operation, (c) the rendering industry, (d) the public, (e) the feed manufacturer, (f) other parties that may be affected.

9. Potential mitigating factors that would lessen the economic and environmental impact of the prohibition, specifically: (a) Identification of nonfeed uses of products containing ruminant-derived protein, (b) development of rendering or processing processes that would allow the safe feed use of a portion of the prohibited feed ingredient, (c) alternate disposal methods, and (d) other mitigating factors.

10. Descriptive and incremental cost data for incremental tasks required by the proposed change with respect to person-hours, type of labor (professional, technical, and clerical), type of equipment to be purchased, disposal costs, capital expenditures, loss of current markets, expansion of alternative markets, etc.

11. Estimates of the average total cost of compliance (including any expected reporting and recordkeeping costs) for both large and small businesses in each affected industry segment. Descriptions and numbers of small businesses affected in each sector.

12. Information which identifies and explains effective alternative policy actions which would minimize any negative economic effects on small businesses and the affected industry as a whole.

13. Estimates of the level of compliance with the voluntary ban on feeding ruminant protein to ruminants announced by the livestock industry on March 29, 1996.

14. Information on restrictions placed upon beef or sheep imports by foreign countries that would directly affect U.S. beef or sheep producers.

15. Identification of potential analytical methods that may be used in detecting ruminant proteins in feed.

16. Labeling requirements (i.e., declaring the source of the animal protein; a prohibition of use statement).

17. Development of antemortem tests to accurately determine if an animal has a TSE.

18. Alternate actions the agency could take to prevent the spread of TSE's among ruminants.

IV. Comments

Interested persons may, on or before June 13, 1996, submit to the Dockets Management Branch (address above), written comments regarding this ANPRM. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This ANPRM is issued under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, and 371) and under the authority of the Commissioner of Food and Drugs.

VI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Prusiner, S. B. , ''Novel Proteinaceous Infectious Particles Cause Scrapie,'' *Science,* 216:136–144, 1982.

2. Stahl, N. and S. B. Prusiner, ''Prions and Prion Proteins,'' *FASEB Journal,* 5:2799–2807, 1991.

3. Will, R. G. et al., ''A New Variant of Creutzfeldt-Jakob Disease in the UK,'' *Lancet,* 347, 921–925, 1996.

4. WHO press release, April 3, 1996, ''International Experts Propose Measures to Limit Spread of BSE and Reduce Possible Human Risk from Disease.''

Dated: May 8, 1996.

David A. Kessler,

Commissioner of Food and Drugs.

Donna E. Shalala,

Secretary of Health and Human Services.

[FR Doc. 96–12081 Filed 5–9–96; 2:16 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 90

[OJP No. 1019]

RIN 1121–AA35

Grants To Encourage Arrest Policies

AGENCY: U.S. Department of Justice, Office of Justice Programs.

ACTION: Proposed rule.

SUMMARY: This notice announces a proposed rule for the Grants to Encourage Arrest Policies authorized by the Violence Against Women Act, Title IV of the Violent Crime Control and Law Enforcement Act of 1994. For Fiscal Year 1996, Congress has appropriated $28 million to the United States Department of Justice, Office of Justice Programs, for Grants to Encourage Arrest Policies. This regulation is being published under the general statutory grant of authority to issue rules and regulations pursuant to the Omnibus Crime Control and Safe Streets Act of 1968. The purpose of this regulation is to provide a general outline of the program and its purposes as set forth in the statute.

DATES: All comments must be received by June 13, 1996. The length of the comment period has been limited to thirty days in order to provide States timely access to the available program funds. It would be contrary to the public interest to delay implementation of the program.

ADDRESSES: All comments should be addressed to Kathy Schwartz, Violence Against Women Grants Office, Office of Justice Programs, Room 446, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center at 1–800–421–6770 or (202) 307–1480, or Catherine Pierce, Violence Against Women Grants Office, Office of Justice Programs at (202) 307–6026.

SUPPLEMENTARY INFORMATION:

Title IV Grants To Encourage Arrest Policies

For Fiscal Year (FY) 1996, Congress authorized a federal discretionary grant program under Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103–22, 108 Stat. 1796, 1902–55, codified as amended at 42 U.S.C. § 3796hh *et seq* (1994) [hereinafter the ''Act''], for States, units of local government, and Indian tribal governments to encourage the treatment of domestic violence as a serious violation of criminal law. The Act gives the Attorney General and an authorized designee, in this case the Assistant Attorney General for the Office of Justice Programs, the authority to make grants to the above mentioned entities. Omnibus Crime Control and Safe Streets Act of 1968 § 805, codified as amended at 42 U.S.C. § 3768 (1994) [hereinafter the ''Omnibus Act'']. Section 2104 of Title IV of the Act, codified as amended at 42 U.S.C. § 3796hh-3, requires that regulations be issued specifically to implement these policies and programs.

Statement of the Problem

In the past, police departments, and the criminal justice system as a whole, generally treated domestic violence as a private, family matter unlike any other violent crime. Many police departments maintained informal non-arrest policies for domestic violence, focusing instead on alternative responses such as family crisis intervention and counseling for domestic abusers.[1] In recent years, many departments have implemented new policies and practices that encourage or mandate arrest of a perpetrator of domestic violence for probable cause or for violating a protection order.[2] To ensure the effectiveness of these new policies, some departments have created special domestic violence units that train personnel; develop guidelines and protocols for enforcing laws related to domestic violence; create sophisticated tracking and communication systems; investigate both misdemeanor and felony domestic assaults; develop accountability measures which ensure enforcement of the law by all officers in the department; and coordinate with other criminal justice agencies and victim service providers. Despite these very significant accomplishments, many more police departments require the tools and resources necessary to implement similar innovations in their own communities.

For arrest to be an effective domestic violence intervention, it must be part of a coordinated and integrated response to the problem on the part of the entire criminal justice system.[3] That is, mandatory or proarrest policies will be effective only if police departments implement clear guidelines and protocols for the arrest of domestic violence perpetrators; if police and prosecutors alike conduct thorough and careful investigations of domestic violence cases; if judges impose appropriate sentences; if batterers remain in custody after they are arrested; if probation and parole departments devise ways to effectively supervise batterers; and if victims feel confident that all professionals in the system are committed to their safety and the safety of their children.

Policies that Mandate or Encourage Arrest

Laws and policies that encourage or mandate the arrest of a domestic violence perpetrator based on probable cause are not new. Currently, at least 27 States and the District of Columbia have adopted laws that mandate or encourage arrest of a person who assaults a family member, or of a person who violates a domestic violence protection order.[4] Federal law also requires all states honor certain protection orders issued by other jurisdictions. Act § 4022(a), 18

[1] Liebman, D.A., and Schwartz, J.A., Police Programs in Crisis Intervention: A Review, (J.R. Snibbe and H.M. Snibbe eds. 1973). See also Charles C. Thomas, The Urban Policeman in Transition: A Psychological and Sociological Review (1973).

[2] Garner, J., Fagan, J., and Maxwell, C., Published Findings from the Spouse Assault Replication Program: A Critical Review, Journal of Quantitative Criminology, 11[1], 3–28, 1995.

Fagan, J., The Criminalization of Domestic Violence: Promises and Limits, Presentation at the 1995 National Institute of Justice Conference on Criminal Justice Research and Evaluation, January, 1996, available through the National Criminal Justice Reference Service, 1–800–851–3420.

[3] Hart, B.J., Coordinated Community Approaches to Domestic Violence, presented at the Strategic Planning Workshop on Violence Against Women sponsored by the National Institute of Justice in Washington, D.C., March 31, 1995, available through the National Criminal Justice Reference Service, 1–800–851–3420.

[4] Layden, J., Domestic Violence, Headliners, 1994.