Because VEE is transmitted primarily through flying insects, however, even horses moving to slaughter could potentially transmit the disease via mosquitoes and other vectors. Therefore, it is necessary to ensure that horses imported into the United States from Mexico that are moving to slaughter are not infected with VEE. We are therefore providing in § 92.326 that, in addition to meeting the previous requirements of that section (except as discussed below, under the heading ''Location of Inspection and Quarantine Facilities''), horses intended for importation into the United States from Mexico for immediate slaughter must be quarantined for not less than 7 days.

Construction of Quarantine Facilities

Because flying insects had not been vectors of the exotic diseases of concern of horses imported into the United States from Mexico, the regulations did not require that the facilities used to quarantine horses imported into the United States from Mexico through land border ports be constructed so as to prevent the entry of these insects. As noted above, however, VEE is transmitted primarily by flying insects, particularly mosquitoes. If the quarantine facility were not required to be constructed to prevent the entry of hematophagous insects, a mosquito carrying the VEE virus could enter the facility during a quarantine period and bite a horse scheduled for imminent release from quarantine. The horse could then be released for entry into the United States before it had time to develop any clinical signs of VEE. Also, if hematophagous insects could get into the quarantine facility, and a horse infected with VEE were in the quarantine facility, a mosquito not previously carrying the VEE virus could enter, bite the infected horse, and leave the facility carrying the virus. Because these facilities are close to the U.S. border with Mexico, the mosquito could transmit the virus to horses in the United States. Therefore, we are amending the regulations in § 92.324 to require that horses intended for importation into the United States from Mexico through land border ports be quarantined at a facility in Mexico constructed so as to prevent the entry of mosquitoes and other hematophagous insects.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to help ensure that horses imported into the United States from Mexico do not transmit VEE to horses in the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the Federal Register. After the comment period closes, we will publish another document in the Federal Register. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This 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 action amends the regulations regarding the importation of horses from Mexico because of VEE. This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) impracticable. This rule may have a significant economic impact on a substantial number of small entities. If we determine this is so, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Act Analysis.

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 92

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

Accordingly, 9 CFR part 92 is 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 continues 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).

§ 92.308 [Amended]

2. In § 92.308, paragraph (a)(1) is amended by removing the words ''§§ 92.317 and 92.324'' and adding in their place the words ''§ 92.317''.

§ 92.324 [Amended]

3. Section 92.324 is amended by removing the words ''until they qualify from release from such quarantine, either at an APHIS facility designated in § 92.303(a) or at a facility in Mexico'' and adding in their place the words '', for not less than 7 days and until they qualify for release from such quarantine, either at an APHIS facility designated in § 92.303(a) or at a facility in Mexico approved by the Administrator and constructed so as to prevent the entry of mosquitoes and other hematophagous insects''.

§ 92.326 [Amended]

5. In § 92.326, the first sentence is amended by removing the words ''and 92.323'' and adding in their place the words ''92.323, and 92.324''.

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

Donald W. Luchsinger,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–19477 Filed 7–30–96; 8:45 am]

BILLING CODE 3410–34–P

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 96–020N]

Labeling of Sausages Made With Natural Casings

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of policy statement.

SUMMARY: FSIS is clarifying its policy on the labeling of meat or poultry sausages made with natural casings. The casings of such sausages must be derived from the animal species indicated by the product labeling. A sausage made with natural casings derived from a different

species is misbranded unless the product name is appropriately qualified or unless the statement of ingredients indicates the species from which the casings are derived.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Wade, Director, Food Labeling Division, FSIS, West End Court Building, Washington, DC; (202) 254–2590.

SUPPLEMENTARY INFORMATION: Sausages are prepared using single or multiple species of meat or poultry. Some sausages are made with non-edible casings that must be removed before eating. Others are made with edible casings, such as those made from cellulose or collagen. Still others are made with natural casings, also referred to as animal casings, which are prepared from various sections of the viscera. Some sausages prepared in natural casings may have the species identified in the product name or statement of ingredients on the product label. However, sausages may also be made with natural casings derived from a species that is not identified on the label. For example, a combination beef-and-lamb sausage may be made with a pork casing.

The use of any particular type of casing is commonly determined by the price and availability of the casings and the size and shape of the sausage product. Natural casings are not prepared from poultry because poultry intestines are not the appropriate size for sausages customarily consumed in this country. More importantly, FSIS has only recently determined poultry intestines to be edible.

FSIS believes that consumers of sausages made with natural casings expect the casings to be derived from the same species as the species indicated on the product label, whether in the product name or in the ingredients statement. For example, the natural casing of a sausage labeled ''beef sausage'' should be derived from cattle. Similarly, FSIS believes that consumers of poultry sausage, e.g., chicken sausage, expect the sausage to be made from poultry and would not necessarily expect the casing to be derived from a red meat source.

Therefore, FSIS considers a sausage made with natural casings derived from a different species to be a misbranded product, unless the species from which the casings are derived is indicated in the product name or listed in the ingredients statement, or is in both places on the product label.

Done, at Washington, D.C., on: July 23, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–19387 Filed 7–30–96; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF ENERGY

10 CFR Parts 1035 and 1036 and 48 CFR Part 909

RIN 1991–AB24

Debarment and Suspension (Procurement) and Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) and Department of Energy Acquisition Regulation

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today is publishing a final rule which amends its regulations governing debarment and suspension in procurement and nonprocurement activities. The rule establishes a common fact-finding process in procurement and nonprocurement cases involving a genuine dispute over material facts. The rule removes the Department's procurement debarment and suspension regulations from part 10 of the Code of Federal Regulations (CFR) and recodifies them in the Department of Energy Acquisition Regulation (DEAR), chapter 9 of title 48 of the Code of Federal Regulations.

EFFECTIVE DATE: This rule is effective August 30, 1996.

FOR FURTHER INFORMATION CONTACT: Mrs. Cynthia Yee, Office of Clearance and Support, Procurement and Assistance Management, HR–52, U. S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202–586–1140.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Energy (DOE) today is publishing a final rule which removes 10 CFR Part 1035, Debarment and Suspension (Procurement), and recodifies the regulation at 48 CFR Part 909. In recodifying the procurement debarment and suspension regulations, DOE makes various changes to clarify the provisions of procurement debarment and suspension and to ensure consistency between the Federal Acquisition Regulation (FAR) and the DEAR. *See* explanation of the changes in the preamble to the Notice of Proposed Rulemaking published for this rule on February 2, 1996 (61 FR 3877). Under the recodified regulations, the Energy Board of Contract Appeals will conduct fact-finding in suspensions or proposed debarments in which the debarring/suspending official determines that material facts are in dispute.

This rule also amends 10 CFR Part 1036, Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), which governs debarment and suspension with regard to DOE nonprocurement and grants programs. The changes made to 10 CFR Part 1036 are primarily technical or procedural in nature. They are explained in the preamble of the Notice of Proposed Rulemaking (61 FR 3877–3878), with the exception of changes to subparagraph (c)(1) of section 1036.110 and subparagraph (a) of section 1036.215, which were not in the proposed rule. These subparagraphs are being added because previous changes to the common rule resulted in them being inadvertently omitted. This final rule reinstates the subparagraphs and corrects references in those reinstated subparagraphs. Section 1036.700 provides for fact-finding by the Energy Board of Contract Appeals in suspensions or proposed debarments in which the debarring/suspending official determines that material facts are in dispute.

The Department of Energy Consolidated List of Debarred, Suspended, Ineligible and Voluntarily Excluded Awardees (DOE List) has been eliminated as unnecessary because the General Services Administration maintains, pursuant to Executive order 12549, a governmentwide list of parties excluded from federal procurement and nonprocurement programs.

Due to the extensive revisions to DEAR, the complete text of DEAR 909.4 is published. However, only those portions of Part 1036 that are affected by the changes are published, rather than