

Proposed Rules

Federal Register

Vol. 71, No. 213

Friday, November 3, 2006

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 Parts 55 and 81

[Docket No. 00–108–5]

RIN 0579–AB35

Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose; Petitions and Request for Comments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of receipt of petitions and request for comments.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received three petitions requesting that we delay implementation of, and reconsider provisions in, a recent final rule establishing a herd certification program and interstate movement restrictions for cervids to control the spread of chronic wasting disease. We are soliciting public comments on the petitions and the potential impacts of the actions they recommend.

DATES: We will consider all comments that we receive on or before December 4, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Dean E. Goeldner, Senior Staff Veterinarian, Ruminant Health Programs, VS, APHIS, 4700 River Road, Unit 43, Riverdale, MD 20737–1231; (301) 734–4916. Copies of the petitions are available at the Federal eRulemaking Portal, <http://www.regulations.gov>, as described under **ADDRESSES** below.

ADDRESSES: You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click “Submit.” In the Docket ID column, select APHIS–2006–

0118 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “User Tips” link.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 00–108–5, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–108–5.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

SUPPLEMENTARY INFORMATION: In accordance with the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture has the authority to issue orders and promulgate regulations to prevent the introduction into the United States and the dissemination within the United States of any pest or disease of livestock, and to pay claims growing out of the destruction of animals. The Animal and Plant Health Inspection Service’s (APHIS’) regulations in 9 CFR subchapter B govern cooperative programs to control and eradicate communicable diseases of livestock.

On July 21, 2006, we published a final rule in the **Federal Register** (71 FR 41682–41707, Docket No. 00–108–3) amending 9 CFR subchapter B by establishing regulations in part 55 for a Chronic Wasting Disease Herd Certification Program to help eliminate chronic wasting disease (CWD) from the farmed or captive cervid herds in the United States (the CWD rule). Under that rule, owners of deer, elk, and moose

herds who choose to participate would have to follow program requirements for animal identification, testing, herd management, and movement of animals into and from herds. We also amended 9 CFR subchapter B by establishing a new part 81 containing interstate movement requirements to prevent the spread of CWD.

We recently received three petitions requesting a delay in the effective date of the CWD rule and reconsideration of several requirements of the rule. We are currently evaluating the merits of these petitions, and through this notice, we are making the petitions available for public review and requesting comments on them. On September 8, 2006, we also published a notice in the **Federal Register** delaying the effective date of the CWD rule until further notice (71 FR 52983, Docket No. 00–108–4).

On August 3, 2006, we received a petition from the Association of Fish and Wildlife Agencies. On August 4, 2006, we received a petition from the National Assembly of State Animal Health Officials, and on August 8, 2006, we received a petition from the United States Animal Health Association. The texts of all three petitions are available on the Federal eRulemaking Portal, as described under **ADDRESSES**.

The primary issues addressed by all three petitions are the Federal preemption of State laws and regulations and the requirements our CWD rule established for the interstate movement of cervids. Under the CWD rule, during its first year of implementation, cervids could move interstate if they have been in an approved CWD Herd Certification program, and thus subject to monitoring for CWD and other requirements, for at least 1 year. The CWD rule increases this length-of-time requirement in succeeding years of implementation, so the time animals must be in a herd certification program in order to move interstate gradually increases to 2 years, then 3, then 4, then 5 years. It was the intent of the CWD rule to provide a consistent, nationwide standard for the interstate movement of cervids, replacing a variety of differing State standards. Existing State laws and regulations addressing movement of cervids vary in the amount of time that the animals must have been in a certification program prior to entry, and some States do not allow the entry of

any cervids. The gradual escalation of the Federal standard in the CWD rule to 5 years was intended to achieve the desired level of risk control represented by 5 years of program participation and disease-free surveillance and monitoring, but to do so in a gradual manner that would not cause widespread economic harm to producers by making it impossible for some of them to move animals interstate until 5 years after they join the CWD Herd Certification Program.

The petitioners raised two points with regard to this Federal standard for interstate movement. First, they cited it as an unexpected and unnecessary Federal preemption of existing State standards. They stated that during development of the CWD proposed rule they believed that any Federal interstate movement requirement would serve as a minimum standard, and would apply only if States did not set their own standards for length-of-time. Second, the petitioners questioned whether the Federal standard provided adequate protection, especially during the first 2 years of program implementation. The petitioners suggested that sound science and the known epidemiology of CWD require that animals be monitored for CWD for more than 1 or 2 years before they can be considered safe to move interstate.

The public is invited to comment on any of the issues raised by the petitions. To aid our evaluation of these issues, we particularly invite comments in the following areas.

- Consider the alternatives of implementing a Federal interstate movement standard versus allowing individual State standards to apply. What hardships or benefits would each alternative impose? Please provide details where possible.
- With respect to the spread of CWD, in addition to the requirements established by the APHIS CWD rule, what additional safeguards do States need to mitigate or reduce risk of disease transmission, and why are they needed?
- What practical or operational problems may be expected from the final rule and from the alternatives suggested by the petitions? How could they be alleviated?
- Are there any alternatives that could address the petitioners' concerns, other than allowing the movement requirements of individual States to take precedence over the Federal standard?

After evaluating the petitions and any public comments received in response to this document, APHIS will publish a document in the **Federal Register**

announcing what action, if any, we will take in response to the petitions.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 31st day of October 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–18564 Filed 11–2–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26241; Directorate Identifier 2006–NM–155–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier Model DHC–8–400 series airplanes. This proposed AD would require inspecting to determine the manufacturer's date of certain V-band clamps on the engine exhaust shroud assembly, and doing related investigative/corrective actions if necessary. This proposed AD results from a report of a discrepancy found during a maintenance inspection on a V-band clamp located on the engine exhaust duct shroud. The clamp ends were touching (although the correct fastener torque had been applied), resulting in reduced clamp force on the flanges. We are proposing this AD to prevent vibration in the duct shroud and fretting of the V-band clamp and flanges, which could result in cracking of the flanges and consequent release of hot exhaust gases from the engine tailpipe and damage to adjacent structure. This situation could trigger the fire warning system and result in an in-flight emergency, such as the flightcrew shutting down the engine and activating the fire suppression system.

DATES: We must receive comments on this proposed AD by December 4, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the

instructions for sending your comments electronically.

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.

- **Fax:** (202) 493–2251.

- **Hand Delivery:** Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT:

Richard Fiesel, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7304; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number “FAA–2006–26241; Directorate Identifier 2006–NM–155–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://dms.dot.gov>.