

# 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

### 9 CFR Parts 92, 93, 94, 95, 96, and 98

[Docket No. 94-106-3]

RIN 0579-AA71

### Importation of Animals and Animal Products; Public Hearings

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

**ACTION:** Notice of public hearings.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service is hosting three additional public hearings on the proposed rule on the importation of animals and animal products that was published in the Federal Register on April 18, 1996. One hearing has already been held in Riverdale, MD. The hearings will provide an additional opportunity for the public to comment on the proposal, which would establish criteria for foreign "regions" based on risk class levels. The criteria would be used to establish importation requirements for particular animals and animal products from different regions outside the United States.

**DATES:** The public hearings will be held in Atlanta, GA, on June 17 and, if there are more registered speakers than can be heard in one day, on June 18; in Kansas City, MO, on June 26 and, if there are more registered speakers than can be heard in one day, on June 27; and in Denver, CO, on July 1, and, if there are more registered speakers than can be heard in one day, on July 2. Each public hearing will begin at 9 a.m. and is scheduled to end at 5 p.m. each day.

**ADDRESSES:** The public hearings will be held at the following locations:

1. Atlanta, GA: Peachtree Summit Federal Center, Conference Rooms A and B, 401 W. Peachtree Street, N.E., Atlanta, GA. Picture identification is required. A pay parking garage is adjacent to the building.
2. Kansas City, MO: Richard Boling Federal Building, Room 111, 601 East

12th Street, Kansas City, MO. Enter from 12th or 13th Street. Picture identification is required. Pay parking is available across the street from the building.

3. Denver, CO: Denver Federal Center, Building 25, Lecture Halls A and B, 6th and Kipling, Denver, CO. Enter through door E2. Picture identification is required. Pay parking is available on the east side of the building.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-8590.

#### SUPPLEMENTARY INFORMATION:

##### Background

Three additional public hearings will be held on the proposed rule on the importation of animals and animal products, published by the Animal and Plant Health Inspection Service (APHIS) in the Federal Register on April 18, 1996 (61 FR 16977-17105, Docket No. 94-106-1). One hearing has already been held in Riverdale, MD. The additional public hearings will be held in Atlanta, GA, on June 17 and, if there are more registered speakers than can be heard in one day, on June 18; in Kansas City, MO on June 26 and, if there are more registered speakers than can be heard in one day, on June 27; and in Denver, CO on July 1, and, if there are more registered speakers than can be heard in one day, on July 2.

A representative of APHIS will preside at the public hearings. Any interested party may appear and be heard in person, or through an attorney or other representative. We are interested in obtaining the views of the public on all aspects of the proposed rule. Each hearing will begin with a brief informational presentation explaining the background, content and organization of the proposed rule.

Persons who wish to speak at the hearings will be asked to provide their names and affiliations. Parties wishing to make oral presentations may register in advance by either: (1) Calling the Regulatory Analysis and Development voice mail at (301) 734-4346 and leaving a message stating their name, telephone number, and organization, the location of the hearing at which they wish to speak, and the approximate time

necessary for their presentation; or (2) providing the above information by electronic mail to [dkaczmarski@aphis.usda.gov](mailto:dkaczmarski@aphis.usda.gov). Parties responding by e-mail may wish to use the electronic response registration form available at the APHIS Regionalization Proposal Web Page. A list of persons registered to speak at each hearing will also be posted to the Web page shortly before the hearing. The Web page URL is <http://www.aphis.usda.gov/PPD/> region. Registration will also be held for each hearing at that hearing site between 8 a.m. and 8:45 a.m. on the day of the hearing. Speakers will be scheduled in the order their registration is received. Advance registrations for the hearings must be transmitted to APHIS no later than the following:

1. Atlanta, GA: 5 p.m., d.s.t., June 12, 1996;
2. Kansas City, MO: 5 p.m., d.s.t., June 21, 1996; and
3. Denver, CO: 5 p.m., d.s.t., June 29, 1996.

The hearings will begin at 9 a.m. of the first day of each hearing. The session on the second day of each hearing will be held only if speakers who have registered for the first day have not yet had a chance to speak. The hearings are scheduled to end at 5 p.m. each day that they are held, but may conclude at any time if all persons desiring to speak have been heard. The hearing officer may limit the time for each presentation so that all interested persons have an opportunity to participate. Attendees who wish to speak but who did not register will be provided time to speak only after all registered speakers have been heard.

We ask that anyone who reads a written statement provide two copies to the presiding officer at the hearing. A transcript will be made of the public hearings and the transcript will be placed in the rulemaking record and will be available for public inspection.

The purpose of the public hearings is to give all interested parties an opportunity to present data, views, and information to the Department concerning this proposed rule. Questions about the content of the proposal may be part of a commenter's oral presentation. However, neither the presiding officer nor any other representative of the Department will respond to the comments at the

hearings, except to clarify or explain the proposed rule.

Done in Washington, DC, this 22nd day of May 1996.

Donald Husnik,

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

[FR Doc. 96-13407 Filed 5-28-96; 8:45 am]

BILLING CODE 3410-34-P

## **Animal and Plant Health Inspection Service**

### **9 CFR Part 94**

[Docket No. 96-025-1]

#### **Change in Disease Status of Spain Because of African Swine Fever**

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to declare Spain free of African swine fever. Declaring Spain free of African swine fever appears to be appropriate because there have been no confirmed outbreaks of African swine fever in Spain since September 1994. This proposed rule would relieve restrictions on the importation of pork and pork products into the United States from Spain. However, because Spain shares common land borders with countries affected by certain swine diseases and because Spain, as a member state of the European Union, has certain trade practices that are less restrictive than are acceptable to the United States, the importation into the United States of pork and pork products from Spain would continue to be subject to certain restrictions.

**DATES:** Consideration will be given only to comments received on or before July 29, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 96-025-1, 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. 96-025-1. 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. John Cougill, Staff Veterinarian, Products Program, National Center for

Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-8688; or e-mail: jcougill@aphis.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 into the United States of various animal diseases, including rinderpest, foot-and-mouth disease, bovine spongiform encephalopathy, swine vesicular disease, hog cholera, and African swine fever (ASF). These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.8 of the regulations provides that ASF exists or is reasonably believed to exist in all the countries of Africa, Brazil, Cuba, Haiti, Italy, Malta, Portugal, and Spain. We will consider declaring a country to be free of ASF if there have been no reported cases of the disease in that country for at least the previous 1-year period. The last case of ASF in Spain occurred in September 1994. The Government of Spain has requested that the U.S. Department of Agriculture (USDA) recognize Spain to be free of ASF.

The Animal and Plant Health Inspection Service (APHIS) has reviewed the documentation submitted by the Government of Spain in support of its request. A team of APHIS officials traveled to Spain in July 1994 to conduct an on-site evaluation of Spain's animal health program with regard to African horse sickness. The evaluation consisted of a review of Spain's veterinary services, laboratory and diagnostic procedures, vaccination practices, and administration of laws and regulations intended to prevent the introduction of communicable animal diseases into Spain. We believe that the July 1994 on-site evaluation was sufficient to provide APHIS with a complete picture of Spain's animal health program with regard to ASF, as well. Therefore, we have used the findings of the July 1994 on-site evaluation as part of the basis for this proposed rule. (Details concerning the July 1994 on-site evaluation are available upon written request from the person listed under **FOR FURTHER INFORMATION CONTACT.**)

Based on the information discussed above, we are proposing to amend § 94.8 of the regulations by removing Spain from the list of countries where ASF

exists or is reasonably believed to exist. This action would relieve certain restrictions on the importation of pork and pork products into the United States from Spain, including restrictions on the importation of live swine and fresh pork and pork products. This action would also eliminate requirements on the curing time for Spanish hams and other pork products offered for importation into the United States from Spain.

However, the importation of pork and pork products into the United States from Spain would continue to be subject to certain restrictions because Spain appears in the list of countries in § 94.11 that have been declared free of rinderpest and foot-and-mouth disease (FMD), but from which the importation of pork and pork products is restricted, and Spain appears in the list of countries in § 94.13 that have been declared free of swine vesicular disease (SVD), but from which the importation of pork and pork products is restricted. The countries listed in §§ 94.11 and 94.13 are subject to these restrictions because they: (1) Supplement their national pork supply by importing fresh, chilled, or frozen pork from countries where rinderpest, FMD, or SVD, respectively, is considered to exist; (2) have a common border with countries where rinderpest, FMD, or SVD, respectively, is considered to exist; or (3) have certain trade practices that are less restrictive than are acceptable to the United States. Spain shares common land borders with France, a country affected by SVD, and Portugal, a country affected by rinderpest, FMD, and SVD. Additionally, as a member state of the European Union (EU), Spain trades without restrictions with other member states of the EU that are affected by rinderpest, FMD, and/or SVD. These trade practices could allow live swine, pork, or pork products produced in Spain to be commingled with live swine, pork, or pork products from a country affected by rinderpest, FMD, and/or SVD, resulting in an undue risk of the introduction of these diseases into the United States. As such, pork and pork products, as well as any ship's stores, airplane meals, and baggage containing such pork, offered for importation into the United States from Spain would be subject to the restrictions specified in §§ 94.11 and 94.13 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service (FSIS) at 9 CFR chapter III. Sections 94.11 and 94.13 generally require that pork and pork products be: (1) Prepared in an