

Service, Room 5045, AG Box 3201, 14th & Independence Avenue, S.W.—South Building, Washington, DC 20250–3201 and Administrator, Rural Utilities Service, Room 4501, AG Box 1510, 14th & Independence Avenue, S.W.—South Building, Washington, DC 20250–1510. The phrase “FOIA APPEAL” should appear on the front of the envelope in capital letters.

§§ 18.256—2018.300 [Reserved]

Dated: June 10, 1996.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 96–15961 Filed 6–24–96; 8:45 am]

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Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 95–093–2]

Pork and Pork Products From Mexico Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule allows fresh, chilled, and frozen pork and pork products from the Mexican State of Yucatan to transit the United States, under certain conditions, for export to another country. Previously, we allowed such pork and pork products only from the Mexican States of Sonora and Chihuahua to transit the United States for export. Otherwise, fresh, chilled, or frozen pork and pork products are prohibited movement into the United States from Mexico because of hog cholera in Mexico. Yucatan, like Sonora and Chihuahua, appears to be a low-risk area for hog cholera, and we believe that fresh, chilled, and frozen pork and pork products from Yucatan could transit the United States with minimal risk of introducing hog cholera. This action will facilitate trade.

EFFECTIVE DATE: June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Michael David, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–5097.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products

into the United States to prevent the introduction of certain animal diseases. Section 94.9 of the regulations prohibits the importation of pork and pork products into the United States from countries where hog cholera exists, unless the pork or pork products have been treated in one of several ways, all of which involve heating or curing and drying.

Because hog cholera exists in Mexico, pork and pork products from Mexico must meet the requirements of § 94.9 to be imported into the United States. However, under § 94.15, pork and pork products that are from certain Mexican States and that are not eligible for entry into the United States in accordance with the regulations may transit the United States for immediate export if certain conditions are met. Prior to the effective date of this final rule, only pork and pork products from Sonora and Chihuahua, Mexico, were eligible to transit the United States in accordance with § 94.15.

On February 23, 1996, we published in the Federal Register (61 FR 6955–6956, Docket No. 95–093–1) a proposal to amend the regulations by allowing pork and pork products from the Mexican State of Yucatan to transit the United States for export under the same conditions as pork and pork products from Sonora and Chihuahua.

These conditions were set forth as follows:

1. Any person wishing to transport pork or pork products from Yucatan through the United States for export must first obtain a permit for importation from the Animal and Plant Health Inspection Service (APHIS).
2. The pork or pork products must be sealed in Yucatan in a leakproof container, with a serially numbered seal approved by APHIS. The container must remain sealed at all times while transiting the United States.
3. The person moving the pork or pork products through the United States must inform the APHIS officer at the U.S. port of arrival, in writing, of the following information before the pork or pork products arrive in the United States: The times and dates that the pork or pork products are expected at the port of arrival in the United States, the time schedule and route of the shipments through the United States, and the permit number and serial numbers of the seals on the containers.
4. The pork or pork products must transit the United States under Customs bond.
5. The pork or pork products must be exported from the United States within the time period specified on the permit.

Any pork or pork products exceeding the time limit specified on the permit or transiting in violation of any of the requirements of the permit or the regulations may be destroyed or otherwise disposed of at the discretion of the Administrator, APHIS, pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111).

We solicited comments concerning our proposal for 60 days ending April 23, 1996. We received one comment by that date. The comment was from a domestic pork industry group. The commenter commended the efforts of Mexican pork producers and the Mexican Government in their hog cholera eradication efforts, stated support for the principles of regionalization outlined in the proposed rule, reemphasized the importance of surveillance and control measures to minimize the risk of transmitting hog cholera to the U.S. swine population, and discussed a related trade issue. The commenter did not recommend any clarification or changes to the proposed rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal 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. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions no longer found to be warranted. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon 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 allows fresh, chilled, and frozen pork and pork products from the Mexican State of Yucatan to transit the United States, under certain conditions, for export to another country. It has been determined that Yucatan is a low-risk area for hog cholera and has the veterinary infrastructure necessary to monitor for the presence of the disease.

There appears to be little risk of hog cholera exposure from shipments of pork and pork products from Yucatan

transiting the United States. Assuming that proper risk management techniques continue to be applied in Mexico and that accident and exposure risk are minimized by proper handling during transport, the risk of exposure to hog cholera from pork in transit from Mexico through the United States is minimal.

Shipments of pork and pork products from Yucatan transiting the United States will most likely be ocean shipments to Miami with final destinations in the Caribbean and South America. Because no overland transit of pork and pork products through the United States is expected as a result of this rulemaking, no increase in U.S. trucking or other U.S.-based economic activity is expected.

Both the United States and Mexico are net pork importers. U.S. pork imports represent approximately 2 to 3 percent of production, and Mexican imports represent 7 to 8 percent of production. With favorable income growth expected in Mexico due to trade liberalization, meat imports, including pork products, are expected to grow and limit Mexican pork exports. However, facilitating export opportunities for the Mexican pork industry may provide incentives for continued efforts to eradicate hog cholera from infected Mexican States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, 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, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC 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).

§ 94.15 [Amended]

2. In § 94.15, paragraph (b), the introductory text and paragraph (b)(2) are amended by removing the words "Chihuahua or Sonora" and adding the words "Chihuahua, Sonora, or Yucatan" in their place.

Done in Washington, DC, this 19th day of June 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-16159 Filed 6-24-96; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 436

[Docket No. EE-RM-95-501]

Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost Analyses

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is publishing a final rule to implement its Federal Energy Management Program to include application of the life cycle costing methodology when evaluating and comparing the cost effectiveness of water conservation measures in Federal buildings. The amendments are directed principally toward updating the life cycle cost methodology and procedures in subpart A in light of changes in law requiring the use of life cycle costing methodology when installing water conservation measures.

EFFECTIVE DATE: This regulation is effective July 25, 1996.

FOR FURTHER INFORMATION CONTACT:

Theodore C. Collins, Federal Energy Management Program, Office of Energy Efficiency and Renewable Energy, Mail Station EE-92, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8017.

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 25, 1995, DOE published a Notice of Proposed Rulemaking to amend some of the provisions in 10 CFR part 436 which are applicable to programs for the management of energy consumption by Federal agencies (60 FR 44286). The amendments are directed principally toward updating the life cycle cost methodology and procedures in subpart A in light of changes in law requiring the use of life cycle costing methodology when installing water conservation measures.

Section 152 of the Energy Policy Act of 1992 (Pub.L. 102-486) amended the legislatively mandated policies with regard to federal energy management originally set forth in section 542 of the National Energy Conservation Policy Act (Act or NECPA). 42 U.S.C. 8252. This amendment to section 542 expands the purpose of the Federal Energy Management Program to include the conservation and the efficient use of water, in addition to non-renewable energy, by the Federal government.

Section 543 of the Act (42 U.S.C. 8253(a)) "Energy Management Goals" was also amended by section 152 of the Energy Policy Act by adding an energy management requirement for Federal agencies that "Not later than January 1, 2005, each agency shall, to the maximum extent practicable, install in Federal buildings owned by the United States all energy and water conservation measures with payback periods of less than 10 years, as determined by using the methods and procedures developed pursuant to section 544." To implement this statutory provision, it is necessary to amend the life cycle cost regulations as set forth in part 436 of the Code of Federal Regulations, pursuant to section 544 of the Act, so that the life cycle cost methodology and procedures can be applied to the installation of water conservation measures which are implemented by Federal agencies to meet the requirements of the Act.

In response to the Notice of Proposed Rulemaking, DOE received no written comments and there were no commenters at a public hearing held on October 12, 1995 in Washington, DC. In view of the above, no changes have been