

the NEc price and the NEf price first become available and ending the Thursday following July 31, the payment rate shall be the difference between the USNEc price, minus 1.25 cents per pound, and the NEc price in the fourth week of a consecutive 4-week period in which the USNEc price exceeded the NEc price each week by more than 1.25 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 130 percent. If either or both the USNEc price and the NEc price are not available, the payment rate may be the difference between the USNEf price, minus 1.25 cents per pound, and the NEf price.

(2) Beginning October 1, 1998, and ending October 22, 1998, for exporters and for domestic users, the payment rate shall be the difference between the USNE price, minus 1.25 cents per pound, and the NE price in the fourth week of a consecutive 4-week period in which the USNE price exceeded the NE price each week by more than 1.25 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 134 percent.

(3) Beginning October 23, 1998, and ending July 31, 2003, for exporters and for domestic users:

(i) Beginning the Friday following August 1 and ending the week in which the NEc price and the NEf price first become available, the payment rate shall be the difference between the USNE price, minus 3.00 cents per pound, and the NE price in the fourth week of a consecutive 4-week period in which the USNE price exceeded the NE price each week by more than 3.00 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 134 percent; and

(ii) Beginning the Friday through Thursday week after the week in which the NEc price and the NEf price first become available and ending the Thursday following July 31, the payment rate shall be the difference between the USNEc price, minus 3.00 cents per pound, and the NEc price in the fourth week of a consecutive 4-week period in which the USNEc price exceeded the NEc price each week by more than 3.00 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 134 percent. If either or both the USNEc price and the NEc price are not available, the payment rate may be the difference between the USNEf price,

minus 3.00 cents per pound, and the NEf price.

(b) Beginning August 1, 1991 and ending September 30, 1998, notwithstanding the provisions of paragraph (a) of this section, no payment rate shall be established in a week following a consecutive 10-week period in which the USNE price, adjusted for the value of any certificate or cash payment issued in accordance with paragraph (a) of this section, exceeds the NE price by more than 1.25 cents per pound.

(c) Whenever a 4-week period under paragraph (a) of this section or a 10-week period under paragraph (b) of this section contains a combination of NE prices only for 1 to 3 weeks, or for 1 to 9 weeks, and NEc prices and NEf prices only for 1 to 3 weeks, or for 1 to 9 weeks, such as occurs in the spring when the NE price is succeeded by the NEc price and the NEf price ("spring transition") and at the start of a new marketing year when the NEc price and the NEf price are succeeded by the NE price ("marketing year transition"), under paragraphs (a) and (b) of this section, during both the spring transition and the marketing year transition periods, to the extent practicable, the NEc price and the USNEc price in combination with the NE price and the USNE price shall be taken into consideration during such 4-week periods and such 10-week periods to determine whether a payment is to be issued. During both the spring transition and the marketing year transition periods, if either or both the USNEc price and the NEc price are not available, the USNEf price and the NEf price in combination with the USNE price and the NE price shall be taken into consideration during such 4-week periods and such 10-week periods to determine whether a payment is to be issued.

(d) For purposes of this subpart—

(1) With respect to the determination of the USNE price, the USNEc price, the USNEf price, the NE price, the NEc price, and the NEf price:

(i) If daily quotations are not available for one or any day of the 5-day period, the available quotations during the period will be used;

(ii) CCC will not take into consideration a week in which no daily quotes are available for the entire 5-day period for either or both the USNE price and the NE price during the period when only one daily price quotation is available for each growth quoted for M 1-3/32 inch cotton, delivered C.I.F. northern Europe, or the USNEc price and the NEc price, or the USNEf price and the NEf price. In that case, CCC may

establish a payment rate at a level it determines to be appropriate, taking into consideration the payment rate determined in accordance with paragraph (a) of this section for the most recent available week; and

(iii) Beginning July 18, 1996, if no daily quotes are available for the entire 5-day period for either or both the USNEc and the NEc price, the marketing year transition shall be implemented immediately as provided for in paragraph (c) of this section.

(2) With respect to the determination of the USNE price, the USNEc price, and the USNEf price, if a quotation for either the U.S. Memphis territory or the California/Arizona territory as quoted for M 1-3/32 inch cotton, delivered C.I.F. northern Europe, is not available for each day or any day of the 5-day period, the available quotation(s) will be used.

(e) Payment rates for loose, reginned motes and semi-processed motes that are of a quality suitable, without further processing, for spinning, papermaking or bleaching shall be based on a percentage of the basic rate for baled lint, as specified in the Upland Cotton Domestic User/Exporter Agreement.

\* \* \* \* \*

7. Section 1427.108 is amended by removing paragraph (c)(3) and by revising paragraph (c)(2), to read as follows:

**§ 1427.108 Payment.**

\* \* \* \* \*

(c) \* \* \*

(2) Through July 31, 2003, exported by the exporter on the date CCC determines is the date on which the cotton is shipped.

\* \* \* \* \*

8. Section 1427.109 is removed.

Signed at Washington, D.C., on December 2, 1998.

**James C. Kearney,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 98-32653 Filed 12-8-98; 8:45 am]

BILLING CODE 3410-05-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 98-028-1]

### Importation of Poultry Products

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations for importing animal products to allow the importation of poultry carcasses and parts or products of poultry carcasses from regions where exotic Newcastle disease (END) is considered to exist if they originated in a region free of END and meet certain conditions with respect to processing and shipping. This action would remove some restrictions on the importation of poultry products from regions where END is considered to exist. We believe the proposed conditions for importation will continue to protect the United States from END.

**DATES:** Consideration will be given only to comments received on or before February 8, 1999.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 98-028-1, 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. 98-028-1. 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. Michael David, Senior Staff Veterinarian, Animals and Germplasm Programs, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 734-5034; or e-mail: michael.j.david@usda.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 9 CFR part 94 govern the importation of certain animals, birds, poultry, meat, animal products, animal byproducts, hay, and straw into the United States in order to prevent the introduction of communicable diseases of livestock and poultry. The regulations in 94.6 (referred to below as the regulations) govern, among other things, the importation of poultry carcasses, parts, and products from regions where exotic Newcastle disease (END) is considered to exist.

Under the regulations, poultry carcasses and parts or products of poultry carcasses may be imported into the United States from regions where END is considered to exist only under one of the following conditions:

1. If they are imported for consignment to a museum, educational institution, or other establishment that has been approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA). Approval is based on the establishment providing the Administrator with evidence that it has the equipment, facilities, and capabilities to store, handle, process, or disinfect the articles to prevent the introduction or dissemination of END into the United States.

2. If they are packed in hermetically sealed containers and afterward cooked by a commercial method to produce articles that are shelf stable without refrigeration.

3. If they are thoroughly cooked, and, upon inspection by a representative of the United States Department of Agriculture at the port of arrival, have a thoroughly cooked appearance throughout.

4. If they are imported under permit granted by the Administrator of APHIS after he or she determines that the importation will not constitute a risk of introducing or disseminating END into the United States.

We are proposing to amend § 94.6 to also allow poultry carcasses and parts or products of poultry carcasses to be imported into the United States from regions where END is considered to exist if they originated in a region free of END and meet certain requirements with respect to processing and shipping. The primary purpose of this change is to allow poultry meat that originates in the United States to be shipped for processing to a country where END is considered to exist, and then returned to the United States. The proposal would also allow poultry meat that originates in another END-free region to be processed in a region where END is considered to exist and then be shipped to the United States. This action would remove some restrictions on the importation of poultry carcasses and parts or products of poultry carcasses from regions where END is considered to exist. We believe this action poses only a negligible risk of introducing END into the United States.

**Shipment to Approved Establishments**

Under this proposed rule, the poultry carcasses and parts or products of poultry carcasses that originate in a region free of END must be shipped for processing to the region where END is considered to exist in closed containers sealed with serially-numbered seals applied by an official of the national government of the region of origin. The

shipments would have to be accompanied by a certificate that was signed by an official of the national government of the region of origin and that specifies the products' region of origin, the processing establishment to which the products are consigned, and the numbers of the seals applied to the shipping containers.

Upon arrival at the processing establishment, the poultry carcasses and parts or products of poultry carcasses could only be removed from the containers after an official of the foreign region's national government had determined that the seals were intact and free of any evidence of tampering.

The official would have to attest to this fact by signing the certificate accompanying the shipment. The signed certificate would have to be kept on file at the processing establishment for at least 2 years after export of the processed products to the United States, and must be made available to USDA inspectors to demonstrate compliance with our regulations, if requested, during announced or unannounced inspections.

**Handling at Approved Establishments**

Under this proposed rule, the poultry carcasses and parts or products of poultry carcasses would be eligible for importation into the United States only if they were handled and processed in accordance with the following criteria:

1. Establishments in regions where END is considered to exist that process poultry carcasses and parts or products of poultry carcasses for export to the United States may not receive or process any live poultry since END is easily spread in environments where live birds are caged or slaughtered.

2. Processing establishments are not required to be facilities dedicated to processing poultry products from END-free regions. Poultry carcasses and parts or products of poultry carcasses that originate in regions where END is considered to exist may be processed at the same facility as poultry carcasses and parts or products of poultry carcasses from END-free regions provided the following conditions are met:

- All areas, utensils, and equipment liable to contact the poultry carcasses and parts or products of poultry carcasses to be processed, including areas, utensils, and equipment for skinning, deboning, cutting, and packing, must be cleaned and disinfected between processing poultry from regions where END is considered to exist and poultry from END-free regions in order to avoid contamination.

- Poultry carcasses and parts or products of poultry carcasses intended for export to the United States may not be handled, cut, or otherwise processed at the same time as poultry carcasses and parts or products of poultry carcasses not eligible for export to the United States in order to avoid contamination.

- Poultry carcasses and parts or products of poultry carcasses intended for export to the United States must be packed in clean, new packaging that is clearly distinguishable from that containing poultry carcasses and parts or products of poultry carcasses not eligible for export to the United States. Poultry carcasses and parts or products of poultry carcasses must be stored in a manner that ensures that no cross-contamination occurs.

3. Under the proposed rule, establishment operators would have to enter into a cooperative service agreement with APHIS to ensure that all expenses incurred by APHIS in inspecting the establishment would be paid by the operators of the processing establishment. APHIS anticipates that such inspections would occur once a year. The cooperative service account would be required to contain a balance at least equal to the cost of one inspection. APHIS would charge the cooperative service account for travel, salary, and subsistence of APHIS employees, as well as administrative overhead and other incidental expenses (including excess baggage charges up to 150 pounds).

#### **Shipment to the United States**

Poultry carcasses and parts or products of poultry carcasses to be imported into the United States must be shipped from the region where they were processed in closed containers sealed with serially-numbered seals applied by an official of the national government of that region. The shipments would have to be accompanied by a certificate signed by an official of the national government of the region where the poultry carcasses and parts or products of poultry carcasses were processed. The certificate would have to state that all of the above conditions have been met and would also have to list the numbers of the seals applied. A copy of this certificate must also be kept on file at the processing establishment for at least 2 years after the products were shipped to the United States.

We believe the conditions described above would ensure that the poultry products present a negligible risk of introducing END into the United States.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This proposed 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.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. Based on the information we have, there is no basis to conclude that this rule will result in any significant economic impact on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

This proposed rule would amend the regulations for importing animal products to allow the importation of poultry carcasses and parts or products of poultry carcasses from regions where exotic Newcastle disease (END) is considered to exist if they originated in a region free of END and meet certain conditions with respect to processing and shipping. This proposal would remove some restrictions on the importation of poultry carcasses and parts or products of poultry carcasses from regions where END is considered to exist.

In accordance with 21 U.S.C. 111–113, 114a, 115, 117, 120, 123, and 134a, the Secretary of Agriculture has the authority to promulgate regulations and take measures to prevent the introduction into the United States, and the interstate dissemination within the United States, of communicable diseases of livestock and poultry.

This proposal would allow poultry carcasses and parts or products of poultry carcasses that originated in any END-free region to be processed in any region where END is considered to exist, and then be shipped to the United States. At this time, however, the most likely outcome of this proposal is that U.S.-origin poultry carcasses and parts or products of poultry carcasses would be shipped to Mexico for processing and then returned to the United States. It is unlikely that any poultry processed in countries other than Mexico would enter the United States as a result of this proposal. The high cost of shipping

processed poultry from END-free countries in the eastern hemisphere to the United States makes it unlikely that such exports could compete in the U.S. market. Further, countries other than Mexico in the western hemisphere that could export processed poultry to the United States under this proposal generally do not produce enough poultry and poultry products to meet their own domestic demand. Western countries other than Mexico may also have difficulty competing in the U.S. market due to costs of shipping, unless the products exported were specialty items not otherwise produced domestically in the United States. Therefore, we anticipate that Mexico would be the only country to export any processed poultry to the United States under this proposal, and our analysis is based on this scenario. We welcome public comment on other potential sources of processed poultry which would be allowed importation into the United States if this proposal were adopted.

#### **Poultry From Mexico**

Poultry products to be imported into the United States from Mexico under the proposed regulations would be required to originate in an END-free region. Under § 94.6 of the regulations, the only END-free regions in the western hemisphere are Canada, Chile, Costa Rica, and the United States. Poultry carcasses and parts or products of poultry carcasses from Costa Rica could potentially be imported into Mexico for processing and export to the United States, but Costa Rica does not appear to produce enough poultry carcasses and parts or products of poultry carcasses domestically to make such exports feasible or profitable. It is unlikely that any Canadian poultry would be shipped to Mexico for processing under this rule since U.S. poultry is available for processing at lower cost. Further, the costs of shipping the poultry carcasses and parts or products of poultry carcasses to Mexico from Canada, Costa Rica, Chile, or any other END-free foreign region, and subsequent costs of shipping poultry products from Mexico to the United States, would likely be too high for the processed poultry to be competitive in the U.S. market.

Therefore, it is likely that any poultry carcasses and parts or products of poultry carcasses to be imported into Mexico for processing in accordance with our proposal would originate in the United States due to the United States' proximity to Mexico, its status as a net poultry exporter, and the low cost of its unprocessed poultry. Poultry

carcasses and parts or products of poultry carcasses would likely be ground-shipped by southwestern and border State poultry producers to facilities in northern Mexico for processing and reexportation to the United States. Exactly how many U.S. poultry producers would take advantage of this proposal and ship poultry carcasses or products to Mexico to be processed and reexported to the United States is not known. It is possible that U.S. producers would ship poultry carcasses or products to Mexico for processing to take advantage of lower processing costs or to use Mexican processing plants as supplements to the existing U.S. workforce and facilities.

In 1997, the United States produced 33,115 million pounds of poultry products, valued at \$17 billion, and exported poultry meat valued at over \$2.2 billion (with 10 percent exported to Mexico). We anticipate that whatever volume of processed poultry may be imported as a result of this proposal would be minimal in relation to the overall volume of poultry products currently available in the United States.

In 1997, the United States imported poultry meat valued at \$11.2 million. Less than 2 percent of that total (\$247,000) was imported from Mexico, while over 93 percent (\$10.5 million) was imported from Canada. We anticipate that whatever volume of processed poultry that is imported as a result of this proposal will be minimal in relation to the total volume of all processed poultry imported into the United States.

### Trade Relations

This proposal would remove some restrictions on the importation of poultry carcasses and parts or products of poultry carcasses from regions where END is considered to exist and would encourage a positive trading environment between the United States and Mexico and other regions where END is considered to exist by stimulating economic activity and providing export opportunities to foreign poultry processing industries.

### Effect on Small Entities

This proposal may have an effect on domestic poultry processors, who could potentially lose business to Mexican poultry processors as a result of the proposed rule. This proposal may also benefit U.S. truckers and haulers, wholesale traders, and poultry producers and packers, who stand to benefit from increased Mexican trade. However, the extent to which small entities may be affected by this proposal cannot be determined at this time.

### Alternatives Considered

In developing this proposed rule, we considered: (1) Making no changes to the regulations governing the importation of poultry from regions where END is considered to exist; (2) proposing to allow the importation of poultry carcasses and parts or products of poultry carcasses that originated in a region free of END but that were processed in a region where END is considered to exist under conditions different from those proposed; or (3) proposing to allow the importation of poultry carcasses and parts or products of poultry carcasses that originated in a region free of END but that were processed in a region where END is considered to exist under the conditions proposed in this document.

We rejected the first alternative because the proposal appears to provide a way to remove trade restrictions while maintaining adequate safeguards against the introduction of END into the United States. Under these circumstances, making no changes to the regulations would be contrary to trade agreements entered into by the United States.

We also rejected the second alternative because it appeared that conditions less stringent than those proposed would increase the risk of the introduction of END into the United States to more than a negligible level and that more stringent conditions would be unnecessarily restrictive. We consider the proposed conditions to be both effective and necessary in keeping at a negligible level the risk of imported poultry products introducing END into the United States.

The proposed changes to the regulations would result in new information collection or recordkeeping requirements, as described below under the heading "Paperwork Reduction Act."

### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

### Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to

the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 98-028-1. Please send a copy of your comments to: (1) Docket No. 98-028-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would amend the regulations to relieve certain restrictions on the importation of poultry carcasses and parts or products of poultry carcasses from regions where exotic Newcastle disease (END) is considered to exist if they originated in a region free of END and meet certain conditions with respect to processing and shipping.

Implementing this proposed rule would necessitate the use of two paperwork collection activities: The completion of a foreign meat inspection certificate and the placing of seals on shipping containers.

We are asking OMB to approve our use of these information collections.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the proposed information collection on those who are to respond, (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses).

*Estimate of burden:* Public reporting burden for this proposed collection of information is estimated to average 0.147 hours per response.

*Respondents:* Full-time, salaried veterinarians of the agency of the Government of Mexico responsible for animal health.

*Estimated annual number of respondents:* 4.

*Estimated annual number of responses per respondent:* 51.

*Estimated annual number of responses:* 204.

*Estimated total annual burden on respondents:* 30 hours.

Copies of this information collection can be obtained from Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

#### List of Subjects 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry, and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are proposing to amend 9 CFR part 94 as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS.**

1. The authority citation for part 94 would continue 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).

2. In § 94.6, the section heading would be revised, paragraph (c)(5) would be redesignated as paragraph (c)(6), and a new paragraph (c)(5) would be added to read as follows:

**94.6 Carcasses, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where exotic Newcastle disease (END) or *S. enteritidis* is considered to exist.**

\* \* \* \* \*

(c) \* \* \*

(5) Poultry carcasses and parts or products of poultry carcasses that originated in a region considered to be free of END and are processed (cut, packaged, and/or cooked) in a region where END is considered to exist may be imported under the following conditions:

(i) *Shipment to approved establishments.*

(A) The poultry carcasses or parts or products of poultry carcasses must be shipped from the END-free region where they originated in closed containers

sealed with serially-numbered seals applied by an official of the national government of that region. They must be accompanied by a certificate that is signed by an official of that region's national government and specifies the products' region of origin, the processing establishment to which the poultry carcasses or parts or products of poultry carcasses are consigned, and the numbers of the seals applied to the shipping containers.

(B) The poultry carcasses or parts or products of poultry carcasses may be removed from containers at the processing establishment in the region where END is considered to exist only after an official of the foreign region's national government has determined that the seals are intact and free of any evidence of tampering. The official must attest to this fact by signing the certificate accompanying the shipment.

(ii) *Handling of poultry carcasses and parts or products of poultry carcasses.* Establishments<sup>1</sup> in regions where END is considered to exist that process poultry carcasses or parts or products of poultry carcasses for export to the United States:

(A) May not receive or handle any live poultry.

(B) Must keep any records required by this section on file at the facility for a period of at least 2 years after export of processed products to the United States, and must make those records available to USDA inspectors during inspections.

(C) May process poultry carcasses and parts or products of poultry carcasses that originate in both END-free regions and regions where END is considered to exist, provided that:

(1) All areas, utensils, and equipment liable to contact the poultry carcasses and parts or products of poultry carcasses to be processed, including skinning, deboning, cutting, and packing areas, are cleaned and disinfected between processing poultry from regions where END is considered to exist and poultry carcasses and parts or products of poultry carcasses from END-free regions.

(2) Poultry carcasses and parts or products of poultry carcasses intended for export to the United States are not handled, cut, or otherwise processed at the same time as any poultry not eligible for export to the United States.

(3) Poultry carcasses and parts or products of poultry carcasses intended

<sup>1</sup> As a condition of entry into the United States, poultry or poultry products must also meet all of the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) and regulations thereunder (9 CFR part 381), including requirements that the poultry or poultry products be prepared only in approved establishments.

for export to the United States are packed in clean new packaging that is clearly distinguishable from that containing any poultry not eligible for export to the United States.

(4) Poultry carcasses and parts or products of poultry carcasses are stored in a manner that ensures that no cross-contamination occurs.

(iii) *Cooperative service agreement.* Operators of processing establishments must enter into a cooperative service agreement with APHIS to pay all expenses incurred by APHIS in inspecting the establishment. APHIS anticipates that such inspections will occur once a year. The cooperative service account must always contain a balance that is at least equal to the cost of one inspection. APHIS will charge the cooperative service account for travel, salary, and subsistence of APHIS employees, as well as administrative overhead and other incidental expenses (including excess baggage charges up to 150 pounds).

(iv) *Shipment to the United States.* Poultry carcasses and parts or products of poultry carcasses to be imported into the United States must be shipped from the region where they were processed in closed containers sealed with serially-numbered seals applied by an official of the national government of that region. The shipments must be accompanied by a certificate signed by an official of the national government of the region where the poultry was processed that lists the numbers of the seals applied and states that all of the conditions of this section have been met. A copy of this certificate must be kept on file at the processing establishment for at least 2 years.

\* \* \* \* \*

Done in Washington, DC, this 2nd day of December 1998.

**Joan M. Arnoldi,**

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

[FR Doc. 98-32654 Filed 12-8-98; 8:45 am]

BILLING CODE 3410-34-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-106-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).