

**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 would continue 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 2.17, 2.51, and 371.2(d).

**§ 92.102 [Amended]**

2. In § 92.102, paragraph (d) would be amended by removing “Denver, CO;”.

**§§ 92.203, 92.303, 92.403, and 92.503 [Amended]**

3. Sections 92.203, 92.303, 92.403, and 92.503 would be amended by removing the words “Denver, Colorado;” in the following places:

- (a) In § 92.203, paragraph (d);
- (b) In § 92.303, paragraph (d);
- (c) In § 92.403, paragraph (e); and
- (d) In § 92.503, paragraph (e).

**PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN**

4. The authority citation for part 98 would be revised to read as follows:

**Authority:** 7 U.S.C. 1622; 21 U.S.C. 103, 104, 105, 111, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

**§ 98.33 [Amended]**

5. In § 98.33, paragraph (d) would be amended by removing the words “Denver, Colorado;”.

Done in Washington, DC, this 1st day of February 1995.

**George O. Winegar,**

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

[FR Doc. 95–2899 Filed 2–6–95; 8:45 am]

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**9 CFR Part 94**

**[Docket No. 94–137–1]**

**Change in Disease Status of Spain Because of Swine Vesicular Disease**

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to declare Spain free of swine vesicular disease. As part of this proposed action, we would add Spain to the list of countries that, although declared free of swine vesicular disease, are subject to restrictions on pork and pork products offered for importation into the United

States. Declaring Spain free of swine vesicular disease appears to be appropriate because there have been no outbreaks of swine vesicular disease in Spain since April 1993. This proposed rule would relieve certain prohibitions and restrictions on the importation into the United States, from Spain, of swine and fresh, chilled, and frozen meat of swine. However, because African swine fever continues to exist in Spain, certain pork and pork products would continue to be prohibited.

**DATES:** Consideration will be given only to comments received on or before April 10, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 94–137–1, USDA, APHIS, PPD, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737–1238. 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 Blackwell, Senior Staff Veterinarian, USDA, APHIS, Veterinary Services, National Center for Import-Export, Import-Export Animals Staff, 4700 River Road Unit 38, Riverdale, MD 20737–1231, (301) 734–7834.

**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 (FMD), bovine spongiform encephalopathy, African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.12(a) of the regulations provides that SVD is considered to exist in all countries of the world except those listed in § 94.12(a), which have been declared to be free of SVD. We will consider declaring a country to be free of SVD if there have been no reported cases of the disease in that country for at least the previous 1-year period. There have been no outbreaks of SVD in Spain since April 1993. Based on this, the Government of Spain has requested

that the U.S. Department of Agriculture (USDA) declare Spain to be free of SVD.

The Animal and Plant Health Inspection Service (APHIS) reviewed the documentation submitted by the Government of Spain in support of its request. A team of APHIS officials travelled to Spain to conduct an on-site evaluation of the country's animal health program with regard to the SVD situation in Spain. 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 SVD into Spain through the importation of animals, meat, or animal products. (Details concerning the 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 § 94.12(a) by adding Spain to the list of countries declared free of SVD. This action would relieve certain restrictions and prohibitions on the importation, from Spain, of swine and fresh, chilled, and frozen meat of swine.

However, we are also proposing to amend § 94.13(a) by adding Spain to the list of countries that have been declared free of SVD but from which the importation of pork and pork products is restricted. The countries listed in § 94.13(a) are subject to these restrictions because they: (1) Supplement their national pork supply by importing fresh, chilled, or frozen pork from countries where SVD is considered to exist; (2) have a common land border with countries where SVD is considered to exist; or (3) have certain trade practices that are less restrictive than are acceptable to the United States.

Spain supplements its national pork supply by importing fresh, chilled, and frozen pork from countries where SVD is considered to exist. In addition, Spain has common land borders with Portugal and France. These countries are designated in § 94.12(a) as countries where SVD exists. As a result, even though Spain appears to qualify for designation as a country free of SVD, there is potential for pork and pork products produced in Spain to be commingled with the fresh, chilled, or frozen meat of animals from a country where SVD exists. This potential for commingling constitutes an undue risk of introducing SVD into the United States.

Therefore, we are proposing that 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 be subject to the restrictions specified in § 94.13 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service at 9 CFR chapter III. Section 94.13 generally requires that pork and pork products be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certification from a full-time salaried veterinary official of the national government of the exporting country, stating that the pork or pork product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country in which SVD is considered to exist.

Because African swine fever exists in Spain, the importation of pork and pork products from Spain would continue to be subject to the restrictions in § 94.8 for pork and pork products from countries where African swine fever exists or is reasonably believed to exist. Pork and pork products could be imported into the United States from Spain only if processed in accordance with the regulations in § 94.8. Live swine importations from Spain would also continue to be restricted.

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

This proposed 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 proposed rule would amend the regulations in part 94 by adding Spain to the list of countries that have been declared free of SVD. This action would relieve certain restrictions and prohibitions on the importation into the United States, from Spain, of swine and fresh, chilled, and frozen meat of swine. However, other requirements would continue to restrict the importation of live swine and pork and pork products.

Even without considering the export-constraining affects of the restrictions that would remain in effect, it is unlikely that the proposed change in Spain's disease status would noticeably affect U.S. markets for swine and fresh, chilled, and frozen meat of swine. Due to current restrictions, the United States does not import any uncooked pork or pork products from Spain. In 1991, The United States did not import any pork or pork products from Spain. In 1992, the United States imported only 21 metric tons of prepared and preserved pork products from Spain, valued at

approximately \$69,000, and representing only 0.008 percent of total U.S. pork imports for that year.

Further, Spain has historically imported significantly larger amounts of pork and pork products than it exports. During 1991 and 1992, Spain imported 66,300 metric tons of pork while exporting only 13,000 metric tons ("FAO, Production Yearbook, 1992," 1992, and "FAO, Trade Yearbook," 1992). Given Spain's negative trade balance for pork and pork products, and since it is unlikely that Spain would export a significant portion of its pork exports exclusively to the United States, the effect of this proposed rule on U.S. domestic prices or supplies or on U.S. businesses, including small entities, is expected to be negligible.

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

#### **Executive Order 12778**

This proposed rule has been reviewed under Executive Order 12778, 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 the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579-0015.

#### **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 would be 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 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 2.17, 2.51, and 371.2(d).

#### **§ 94.12 [Amended]**

2. In § 94.12, paragraph (a), the first sentence would be amended by adding "Spain," immediately after "Rumania,".

#### **§ 94.13 [Amended]**

3. In § 94.13, the introductory text, the first sentence would be amended by adding "Spain," immediately after "Republic of Ireland,".

Done in Washington, DC, this 1st day of February 1995.

**George O. Winegar,**

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

[FR Doc. 95-2898 Filed 2-6-95; 8:45 am]

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## **FEDERAL DEPOSIT INSURANCE CORPORATION**

### **12 CFR Part 348**

**RIN 3064-AB30**

#### **Management Official Interlocks**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Withdrawal of proposed rulemaking.

**SUMMARY:** The FDIC is withdrawing a proposed amendment to its regulations that implement the Depository Institution Management Interlocks Act. The proposal would have created limited exemptions to the prohibition on management official interlocks for depository institutions that control only a small percentage of the total deposits in the community or relevant metropolitan statistical area in which the institutions are located. Recent statutory changes have limited the FDIC's authority to create such exemptions by regulation.

**DATES:** This withdrawal of the proposed rule is made on February 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** Curtis Vaughn, Examination Specialist, Division of Supervision, (202) 898-6759; or Mark Mellon, Senior Attorney, Regulation and Legislation Section, Legal Division, (202) 898-3854, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

#### **SUPPLEMENTARY INFORMATION:**

##### **The Proposed Rule**

On February 22, 1994, the Board of Directors of the FDIC approved for