

slaughter under U.S. Customs bond. They included 24,811 cattle imported into Arizona, 3,878 into California, 69 into New Mexico, and 32,059 into Texas. APHIS estimates that as many as 18 different feedlots in Arizona, California, New Mexico, and Texas were used for the feeding of in-bond Mexican cattle during the height of in-bond activity. Currently, there are about 10 feedlots that have facilities for the feeding of in-bond Mexican cattle, but only about 5 of those feedlots have been used recently to feed in-bond Mexican cattle.

The termination of the in-bond program is expected to have a negligible impact on feedlots in the United States. Most are large businesses (defined as having more than \$1.0 million in annual gross receipts, according to Small Business Administration size criteria) and usually use only a small portion of the feedlot for in-bond Mexican cattle. The majority of the area in the feedlots is generally used to feed either other imported Mexican cattle or domestic cattle. With the termination of the in-bond program, we anticipate that any affected feedlots will use their entire areas to feed other imported Mexican cattle or domestic cattle.

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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR parts 91 and 92 are amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 is revised to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 136, 136a, 612, 613, 614, and 618; 46 U.S.C. 466a and 466b; 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

§ 91.3 [Amended]

2. In § 91.3, paragraph (a), the second sentence is amended by removing the words “, except cattle from Mexico imported into the United States in bond for temporary feeding and return to Mexico,”.

§ 91.5 [Amended]

3. In § 91.5, the introductory text is amended by removing the words “, except cattle from Mexico imported into the United States in bond for temporary feeding and return to Mexico, except cattle from Mexico imported into the United States in bond for temporary feeding and return to Mexico,”.

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

4. The authority citation for part 92 continues 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).

§ 92.424 [Amended]

5. In § 92.424, paragraph (b), the second sentence is amended by removing the words “pursuant to § 92.427(e)(2), or”.

§ 92.426 [Amended]

6. In § 92.426, paragraph (a), the first sentence is amended by removing the words “or in bond for temporary entry in accordance with § 92.427(e) of this part”.

§ 92.427 [Amended]

7. In § 92.427, paragraph (c)(2), the first sentence is amended by removing the words “or in bond for temporary entry in accordance with § 92.427(e) of this part”.

8. In § 92.427, paragraph (e), including footnote 10, is removed.

§§ 92.430 through 92.435 [Amended]

9. In §§ 92.430 through 92.434, footnotes 11 through 21 and their references in the text are redesignated as footnotes 10 through 20, respectively.

Done in Washington, DC, this 9th day of March 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–6371 Filed 3–14–95; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Part 92

[Docket No. 94–085–1]

Importation of Sheep and Goats From Canada and Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the regulations for importing sheep and goats from Canada and Mexico to require that, with the exception of sheep and goats imported through land border ports for immediate slaughter, and wethers imported through land border ports, all sheep and goats imported into the United States from Canada and Mexico be accompanied by an import permit. This change is necessary to prevent the importation of sheep and goats that may be affected with scrapie. **DATES:** Interim rule effective March 10, 1995. Consideration will be given only to comments received on or before May 15, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–085–1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737–1228. Please state that your comments refer to Docket No. 94–085–1.

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. Joyce Bowling, Staff Veterinarian, or Dr. Roger Perkins, Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20737–1228. Telephone: (301) 734–8170.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in 9 CFR part 92 (referred to below as "the regulations") govern the importation into the United States of live animals, including sheep and goats, to prevent those infected with scrapie from transmitting the disease to livestock in the United States.

Scrapie is a progressive degenerative disease of the central nervous system of sheep and goats. Scrapie occurs more often in certain flocks and herds and certain bloodlines, indicating that these animals may be genetically predisposed to become infected with or develop the disease. Scrapie may also be transmitted by breeding and other physical contact between animals.

The disease develops slowly, with an incubation period lasting up to 5 years. The signs which then become manifest may include nervousness, incoordination, slight muscular tremors, visible weight loss, lack of luster in the animals' wool, and itching. Affected animals become debilitated and die. There is no diagnostic test for confirming the presence of the disease in a live animal. Therefore, presence of the disease cannot be detected until an animal becomes clinically ill. There is no known treatment for the disease. The impact of the disease in the United States could increase if spread of the disease is not controlled, or if incidence of the disease increases. The regulations are intended to prevent the importation of animals that could transmit scrapie.

Import Permits

One way we have of ensuring that sheep and goats intended for importation into the United States are healthy is by reviewing background information concerning the animals that is supplied when an importer applies for a permit to import the animals. The requirements for obtaining a permit to import sheep and goats and other ruminants are contained in § 92.404.

Before the effective date of this interim rule, the regulations required that importers obtain an import permit for all sheep and goats intended for importation into the United States from any part of the world, except for certain sheep and goats imported from Canada or Mexico through land border ports, and certain sheep and goats moved from the British Virgin Islands to the U.S. Virgin Islands for immediate slaughter. These exceptions were contained in §§ 92.417(a), 92.424(a), and 92.422(a), respectively.

With two exceptions, this interim rule requires all sheep and goats imported into the United States from Canada or

Mexico to be accompanied by an import permit. This is because sheep and goats, with the exceptions explained below, that are imported from Canada or Mexico through a land border port could be infected with and transmit scrapie to livestock in the United States. The exceptions are sheep and goats imported for immediate slaughter and wethers.

Sheep and goats, as well as other ruminants imported from Canada and Mexico for immediate slaughter must, under our regulations, be consigned from the port of entry to a recognized slaughtering establishment and be slaughtered there within 2 weeks of importation (see § 92.400, the definition of immediate slaughter, and §§ 92.420 and 92.429). Wethers are castrated male sheep or goats. They are incapable of breeding and are imported for feeding and subsequent slaughter. According to industry practice, wethers are kept in confinement during feeding. Under these circumstances, neither wethers nor sheep and goats imported for immediate slaughter from Canada or Mexico pose any significant threat of transmitting scrapie to livestock in the United States.

By requiring a permit for other sheep and goats intended for importation from Canada or Mexico through a land border port, we will have an opportunity to review background information on the animals and determine whether the animal may be infected with scrapie, which cannot be detected by visual inspection at the border.

We are not exempting from our permit requirements sheep and goats imported for immediate slaughter from countries other than Canada or Mexico. Neither are we exempting from our permit requirements wethers imported from countries other than Canada or Mexico. The exemption from our permit requirements for wethers and for sheep and goats for immediate slaughter are only for those sheep and goats that are imported from Canada and Mexico through a land border port, where inspectors can check the animals for disease and ectoparasites before the animals cross the border into the United States.

In connection with the amendments discussed above, we are adding a definition for wether to the definitions in § 92.400, as follows: "A castrated male sheep or goat."

Effective Date

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment.

We have been made aware that sheep and goats impregnated with embryos from animals in countries affected with scrapie will be presented for importation into the United States from Canada in the next few days or weeks. We will be unable to identify these animals because our regulations currently allow them to be imported into the United States without an import permit.

We are not aware of any similar animals to be presented for importation from Mexico. However, a similar situation could occur at any time with regard to sheep and goats from Mexico because certain sheep and goats imported into the United States from Mexico through land border ports are not required to have an import permit. If such a situation did occur, we would probably have little or no notice, and without a permit requirement we could not identify animals from Mexico which could transmit scrapie to livestock in the United States.

The only other sheep and goats which can be imported into the United States without a permit are certain ruminants moving from the British Virgin Islands to the U.S. Virgin Islands for immediate slaughter. Because these animals are moving to slaughter, they do not pose any disease threat.

Immediate action is therefore necessary to prevent the importation of sheep and goats that may transmit scrapie to U.S. livestock. Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

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 purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule requires an import permit for certain sheep and goats imported into the United States from Canada and Mexico through a land border port.

Between December of 1993 and December of 1994, 30,614 sheep and goats were imported from Canada

through a land border port; none were imported from Mexico through a land border port. Over 97 percent of these sheep and goats were wethers or were imported for immediate slaughter. Wethers and sheep and goats imported through land border ports for immediate slaughter continue to be exempt from the requirement for an import permit. Based on these numbers, we expect that only 3 percent of sheep and goats imported from Canada or Mexico through land border ports will be required to be accompanied by an import permit under this rule. There is no fee for the import permit.

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

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 rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579-0040.

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 is amended as follows:

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 continues 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).

2. Section 92.400 is amended by adding a definition for *Wether*, in alphabetical order, to read as follows:

§ 92.400 Definitions.

* * * * *

Wether. A castrated male sheep or goat.

* * * * *

3. Section 92.417 is amended as follows:

a. In paragraph (a), the introductory text is amended by adding, immediately before the colon at the end of the text, the word: "is".

b. Paragraphs (a)(1) and (a)(2) are redesignated as paragraphs (a)(3)(i) and (a)(3)(ii), respectively; and new paragraphs (a)(1), (a)(2), and (a)(3) are added to read as follows:

§ 92.417 Import permit and declaration for ruminants.

(a) * * *

(1) A wether;

(2) A sheep or goat imported for immediate slaughter; or

(3) A ruminant other than a sheep or goat and that ruminant:

* * * * *

4. Section 92.424 is amended as follows:

a. In paragraph (a), the introductory text is amended by adding, immediately before the colon at the end of the text, the word "is".

b. Paragraphs (a)(1), (a)(2), and (a)(3) are redesignated as paragraphs (a)(3)(i), (a)(3)(ii), and (a)(3)(iii), respectively; and new paragraphs (a)(1), (a)(2), and (a)(3) are added to read as follows:

§ 92.424 Import permits and applications for inspection of ruminants.

(a) * * *

(1) A wether;

(2) A sheep or goat imported for immediate slaughter; or

(3) A ruminant other than a sheep or goat and that ruminant:

* * * * *

Done in Washington, DC, this 10th day of March 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-6372 Filed 3-14-95; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-AWP-4]

Alteration of Class D Airspace; Williams Air Force Base (AFB), AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the name of the Class D airspace area to Williams Gateway, AZ. This alteration is necessary due to the closure of Williams AFB, AZ, and the renaming of the airport to Williams Gateway Airport, AZ. This action reflects the name change and title description of the Class D airspace area to Williams Gateway, AZ.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Scott Speer, System Management Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-0010.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) changes the name of the Class D airspace area at Williams AFB, AZ, to the Class D airspace area at Williams Gateway, AZ. This alteration is necessary due to the closure of the Williams AFB, AZ, and the renaming of the airport to Williams Gateway Airport, AZ. This action reflects the name change and title description of the Class D airspace area to Williams Gateway, AZ. This action is editorial in nature. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary, because this action is a minor technical amendment in which the public is not particularly interested. Class D airspace areas designations are published in paragraph 5000 of FAA Order 7500.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are