

**List of Subjects in 7 CFR Part 1940**

Endangered and threatened wildlife, Environmental protection, Floodplains, National Wild and Scenic Rivers System, Natural resources, Recreation, Water supply.

Accordingly, the Agencies propose to amend chapter XVIII, title 7, Code of Federal Regulations as follows.

**PART 1940—GENERAL**

1. The authority citation for part 1940 continues to read as follows:

**Authority:** 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

**Subpart G—Environmental Program**

2. Section 1940.331 is amended by revising paragraph (b)(4) to read as follows:

**1940.331 Public involvement.**

\* \* \* \* \*

(b) \* \* \*

(4) The public notice procedures for actions that will affect floodplains, wetlands, important farmland, prime rangelands, or prime forest lands are contained in exhibit C of this subpart. These procedures apply to actions that require either an EIS, Class II assessment or Class I assessment. However, whenever an action normally classified as a categorical exclusion requires a Class I assessment because of a potential impact to one of these important land resources, no public notice procedures apply in the course of completing the Class I assessment. When applicable to an action, as specified in exhibit C of this subpart, these public notice procedures can apply at two distinct stages. The first stage, a preliminary notice, is followed by a 30 day public review period, and applies to actions that may impact any of the five important land resources. The second stage, a final notice, is followed by a fifteen-day public review period, and applies only to actions that will impact floodplains or wetlands. For Class II actions, this final notice procedure must be combined with any applicable finding of no significant environmental impact, which is described in paragraph (b)(3) of this section. Individual copies of the preliminary and final notices will be sent to the same parties that are required to be sent a notice of a finding of no significant impact, as specified in paragraph (b)(3) of this section, with the following exceptions:

(i) Whenever property owners affected by proposed mitigation measures, such as proposed hook-up restrictions on portions of water or sewer lines that will

traverse floodplains, are advised of these proposed mitigation measures in a preliminary notice, these property owners need not be sent copies of the final notice as long as the mitigation measures in the final notice are unchanged from the preliminary notice and no property owners raised objections or concerns over the proposed mitigation measures.

(ii) With respect to utility systems, notification of affected property owners will normally be achieved by distributing an individual copy of the public notice. However, when the SEC determines that this method would result in an excessive burden on the applicant, notification may be achieved by another method or a combination of methods tailored to the specific needs of the particular case. For example, in lieu of being individually identified, affected property owners may be notified by a mass mailing to all of the taxpayers in each of the taxing areas through which the system will pass. On the other hand, if the system traverses coterminous taxing areas, with the smaller area not completely describing the service area of the utility system, affected property owners might be notified by a mass mailing to the small taxing area plus identifying the remaining affected property owners to receive an individual copy. The objective is to notify all property owners affected by the action and offer them an opportunity to comment on the action. If affected property owners are not individually notified, the SEC shall document as part of the environmental review file, why individual notification is not being used and what other methods will be used to achieve the stated objective.

\* \* \* \* \*

Dated: February 27, 1995.

**Michael V. Dunn,**

*Acting Under Secretary for Rural Economic and Community Development.*

[FR Doc. 95-6366 Filed 3-14-95; 8:45 am]

BILLING CODE 3410-07-U

**Animal and Plant Health Inspection Service****9 CFR Part 92**

[Docket No. 95-014-1]

**Horses From the United Arab Emirates; Change in Disease Status**

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations concerning the

importation of horses to remove the United Arab Emirates from the list of countries in which African horse sickness exists. We believe that the United Arab Emirates is free of African horse sickness, and that restrictions on the importation of horses from the United Arab Emirates to prevent the spread of African horse sickness into the United States are no longer necessary. This action would relieve unnecessary restrictions on the importation of horses from the United Arab Emirates.

**DATES:** Consideration will be given only to comments received on or before March 30, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-014-1, 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. 95-014-1.

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, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, Import/Export Products, 4700 River Road Unit 40, Riverdale, MD 20737-1228.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations in 9 CFR part 92 (referred to below as the regulations) state the provisions for the importation into the United States of specified animals to prevent the introduction of various animal diseases, including African horse sickness (AHS). AHS, a fatal equine viral disease, is not known to exist in the United States. Section 92.308(a)(2) of the regulations lists countries that the Animal and Plant Health Inspection Service (APHIS) considers affected with AHS, and sets forth specific requirements for horses which are imported from those countries. APHIS requires horses intended for importation from any of the countries listed, including horses that have stopped in or transited those countries, to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days.

The United Arab Emirates (UAE) has applied to the United States Department of Agriculture to be recognized as free from AHS. The UAE's last diagnosed case of AHS was over 29 years ago. The UAE has been testing horses for AHS. Additionally, they have an active surveillance program to monitor for AHS.

APHIS has reviewed the documentation submitted by the Government of the UAE in support of its request. APHIS officials also performed on-site inspections of the UAE's surveillance program and veterinary infrastructure. APHIS officials reviewed the qualifications of the UAE's veterinarians, microbiologists, and histopathologists. APHIS officials inspected the virology, parasitology, and bacteriology lab facilities at the Central Veterinary Research Laboratory in Dubai. Additionally, APHIS officials evaluated the UAE's import-export practices, including airports, border crossings, and quarantine facilities. The airports and border crossings are tightly controlled with adequate fencing and other physical barriers to control entry into the UAE. The APHIS officials conducting the on-site evaluation concluded that the veterinary infrastructure, laboratory facilities, and import-export practices are effective and contribute to the AHS-free status of the UAE.

Based on the information discussed above, we believe that the UAE qualifies for removal from the list of countries, in § 92.308(a)(2) of the regulations, which APHIS considers affected with AHS. This proposed action would relieve restrictions which require horses imported from the UAE to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days. This proposed action would allow horses from the UAE to be shipped to and quarantined at ports designated in § 92.303, and would reduce the quarantine period to an average of 3 days to meet the quarantine and testing requirements specified in § 92.308.

#### Comment Period

The Administrator of the Animal and Plant Health Inspection Service has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on this proposal. U.S. importers have requested that this rulemaking be completed in time to allow them to import horses from the UAE for this year's Kentucky Derby, to be held May 6, 1995. The comment period would allow the agency to promulgate and

implement a final rule on an expedited basis. Prompt implementation of a final rule would facilitate the importation of horses by removing unnecessary quarantine restrictions. Removing the UAE from the list of AHS countries would significantly reduce the quarantine period for horses imported from the UAE. Additionally, this proposal would allow more flexibility in the ports used for the importation of horses from the UAE, making the importation of horses from the UAE logistically easier.

#### 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.

The primary impact of this proposal will be on U.S. importers of horses from the UAE. The horses imported from the UAE tend to be higher-valued, purebred horses. These horses are worth 10 to 20 times more than the average price per horse from the rest of the world. Few, if any, of these importers can be considered a small entity. These importers will no longer be required to quarantine horses from the UAE for 60 days at the New York Animal Import Center in Newburgh, NY. The proposed rule would allow horses from the UAE to be shipped to and quarantined at ports designated in § 92.303, and would reduce the quarantine and testing period to an average of three days to meet quarantine requirements specified in § 92.308.

While no horses are reported in the "Foreign Agricultural Trade of the United States" as being imported directly from the UAE, we believe that each year an average of 10 to 20 horses are imported indirectly from the UAE through Europe. Removing the requirement for a 60-day quarantine at the New York Animal Import Center in Newburgh, NY, for horses from the UAE will make the importation of these horses less expensive and logistically easier. We anticipate that the number of horses imported from the UAE may slightly increase. We estimate approximately 50 to 100 horses may be imported per year, though some of these horses will only be temporarily imported to the United States for particular events, and then transported back to the UAE. With the very small number of horses imported from the UAE, we anticipate the overall economic impact on businesses and individuals would be minimal.

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

This proposed 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 in 9 CFR Part 92

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

Accordingly, 9 CFR part 92 would be 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 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).

#### § 92.308 [Amended]

2. In § 92.308, paragraph (a)(2) would be amended by removing "the United Arab Emirates,".

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

**Terry L. Medley,**

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

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