

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.

[FR Doc. 95-6373 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-2]

Proposed Amendment to Class E Airspace; Luke Air Force Base (AFB), AZ and Class D Airspace; Glendale, AZ**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Luke AFB, AZ, and Class D airspace at Glendale, AZ due to the relocation of the Luke AFB TACAN. The effect of this proposal is to provide adequate Class E and Class D airspace for instrument flight rules (IFR) operations at Luke AFB, AZ, and Glendale, AZ.

DATES: Comments must be received on or before April 17, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP-530, Docket No. 95-AWP-2, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

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:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made. "Comments to Airspace Docket No. 95-AWP-2." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, 1500 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class E airspace area at Luke AFB, AZ, and Class D airspace area at Glendale, AZ. The relocation of the Luke AFB TACAN has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E and Class D airspace for aircraft executing instrument approach procedures at Luke AFB, AZ, and Glendale, AZ. Class E and Class D airspace designations are published in paragraphs 6002 and 5000 of FAA Order 7400.9B, dated July 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E and Class D airspace designations listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area for an Airport.

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AWP AZ E2 Phoenix, Luke Air Force Base, AZ [Revised]

Phoenix Luke Air Force Base, AZ
(Lat. 33°32'06" N, long. 112°22'59" W)
Luke Air Force Base TACAN
(Lat. 33°32'16" N, long. 112°22'49" W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.4-mile radius of the Luke AFB and within 2 miles each side of the Luke TACAN 220° radial, extending from the 4.4-mile radius to 5.2 miles southwest of the Luke TACAN, excluding that portion within the Glendale, AZ Class D airspace area. This Class E airspace area is effective during the

specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Paragraph 5000 Class D Airspace

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AWP AZ D Glendale, AZ [Revised]

Glendale Municipal Airport, AZ

(Lat. 33°31'38" N, long. 112°17'42" W)

That airspace extending upward from the surface to including 3,100 feet MSL within a 3-mile radius of the Glendale Municipal Airport excluding that portion west of a line beginning at lat. 33°29'00" N, long. 112°19'26" W; to lat. 33°29'29" N, long. 112°19'29" W; to lat. 33°33'24" N, long. 112°18'04" W; to lat. 33°34'32" N, long. 112°16'43" W. This class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Los Angeles, California, on March 3, 1995.

Dennis T. Koehler,

*Acting Manager, Air Traffic Division,
Western-Pacific Region.*

[FR Doc. 95-6381 Filed 3-14-95; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Montana regulatory program (hereinafter, the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consist of revisions to Title 26, Chapter 4, Subchapters 3 through 12 of the Administrative Rules of Montana (ARM). The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by the revised Federal regulations, clarify ambiguities, and improve operational efficiency

This document sets forth the times and locations that the Montana program

and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and procedures that will be followed regarding the public hearing if one is requested.

DATES: Written comments must be received by 4:00 p.m., m.s.t. April 14, 1995. If requested, a public hearing on the proposed amendment will be held on April 10, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t. on March 30, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the Montana program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, WY 82601-1918, Casper, WY 82601-1918, Telephone: (307) 261-5776.

Gary Amestoy, Administrator, Montana Department of State Lands, Reclamation Division, Capitol Station, 1625 Eleventh Avenue, Helena, Montana 59620, (406) 444-2074.

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background on the Montana Program

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program as administered by the Department of State Lands. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15 and 926.16.

II. Proposed Amendment

By letters dated February 1, 1995, and February 28, 1995, Montana submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record Nos. MT-12-01 and MT-12-05, State Program Amendment Tracking

System (SPATS) No. MT-003-FOR). Montana's proposed amendment consist of changes to the Montana program as required by 30 CFR 926.16; in response to program deficiency letters from OSM dated April 29, 1985, May 11, 1989, and March 29, 1990; and on its own initiative. The Montana proposed amendment consists of changes to Title 26, Chapter 4, Subchapters 3 through 12 of the State's ARM. The proposed revisions and rule changes are located at: ARM 26.4.301, definitions; ARM 26.4.304, legal, financial, compliance related information; ARM 26.4.304, baseline information for environmental resources; Arm 26.4.308, operation plans; ARM 26.314, plans for protection of the hydrologic balance; ARM 26.4.321, transportation facilities plans; ARM 26.4.304, review of applications; ARM 26.4.405, findings and notices of decision; ARM 26.4.405A, improvidently issued permits general requirements; ARM 26.4.405B, improvidently issued permits: revocation; ARM 26.4.407, conditions of permits; ARM 26.4.410, permit renewal; ARM 26.4.501A, final grading requirements; ARM 26.4.505, burial and treatment of waste materials; ARM 26.4.519A, thick overburden and excess spoil; ARM 26.4.524, signs and markers; ARM 26.4.601, general requirements for road and railroad loop construction; ARM 26.4.602, location of roads and railroad loops; ARM 26.4.603, embankments; ARM 26.4.605, Hydrologic impacts of roads and railroad loops; ARM 26.4.623, blasting schedules; ARM 26.4.633, water quality performance standards; ARM 26.4.634, reclamation of drainages; ARM 26.4.638, sediment control measures; ARM 26.4.639, sedimentation ponds and other treatment facilities; ARM 26.4.642, permanent and temporary impoundments; ARM 26.4.645, ground water monitoring; ARM 26.4.646, surface water monitoring; ARM 26.4.702, redistribution and stockpiling of soil; ARM 26.4.711, establishment of vegetation; ARM 26.4.711, eradication of rills and gullies; ARM 26.4.724, use of revegetation comparison standards; ARM 26.4.726, vegetation production, cover, diversity, density, and utility requirements; ARM 26.4.821, alternate reclamation: submission of plan; ARM 26.4.825, alternate reclamation: Alternate revegetation; ARM 26.4.924, disposal of underground development waste: general requirements; ARM 26.4.927, disposal of underground development waste: durable rock fills; ARM 26.4.930, placement and disposal of coal processing waste: special application requirements; ARM