

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****14 CFR Part 259**

[Docket No. OST-95-223]

RIN 2105-AC14

Aircraft Disinsection**AGENCY:** Office of the Secretary (DOT).**ACTION:** Termination of rulemaking.

SUMMARY: Effective immediately, the Department of Transportation is terminating a rulemaking that would have required U.S. airlines, foreign airlines and their agents, at time of booking transportation, to notify individuals purchasing tickets on flight segments originating in the United States if the aircraft would be sprayed with insecticide while passengers are on board and to provide, immediately upon request, the name of the insecticide used. The Department is terminating the rulemaking because almost all countries with direct air service from the United States have eliminated this practice.

FOR FURTHER INFORMATION CONTACT: Arnold G. Konheim, U.S. Department of Transportation (P-13), 400 7th Street, SW., Washington, DC 20590 (202) 366-4849.

SUPPLEMENTARY INFORMATION: In 60 FR 3596, January 18, 1995, the Department proposed a rule to require airlines and travel agencies to notify prospective customers, when booking transportation on flights outbound from the United States, if the aircraft would be sprayed with an insecticide while passengers are on board. In addition, the rule proposed to require carriers and agents to disclose the name of the insecticide used immediately upon request.

Forty-seven commenters responded to the Notice of Proposed Rulemaking. The commenters included a U.S. Senator, airlines, aviation-related associations, a flight attendant's union, foreign governments, health and environmental groups and private citizens. In general, the airlines and travel agents opposed the rule, while the general public, health organizations, flight attendants and pilots favored the promulgation of a rule.

Among the comments submitted by those opposing the rule were that it would be a burden on industry, would not be cost beneficial, that it would be difficult to keep up with changing disinsection requirements and that using diplomatic efforts would be a preferable solution. Those favoring the rule believed that the rule would provide important information to potential passengers in a timely manner.

In addition to pursuing a rulemaking, the United States turned to two United Nations agencies for assistance. In response to concerns of the U.S. and other countries, both the International Civil Aviation Organization and the World Health Organization recommended against the routine disinsection of flights with an aerosol while passengers are on board. Further, they recommended that the practice should be limited to flights originating in, or passing through, those places that pose a threat to a country's public health, agriculture or environment.

The United States also worked closely with countries that had a disinsection requirement. At the time of the notice of proposed rulemaking, 19 countries required the routine spraying of all inbound flights while passengers are on board. Today, that number has been reduced to four, of which only two—(1) Trinidad and Tobago, and (2) Grenada—would be covered by the rule. These two countries represent only 0.3 percent of the U.S.-international scheduled passenger market. The other two countries—Kiribati and Madagascar—are not served by non-stop flights from the U.S. and would, therefore, not have fallen under the purview of the rule.

The reduction in countries requiring spraying is even more dramatic when compared to the condition that existed when the issue was first brought to the attention of the Department in January 1994. At that time, 25 countries required the routine disinsection of all inbound flights while passengers are on board.

In light of the reduction in the number of countries requiring disinsection, the issuance of a final rule cannot be justified. However, terminating the rulemaking does not mean that the Department will abandon its efforts to eliminate unnecessary spraying. The Department intends to continue to keep the public informed of those countries that require disinsection. In addition to providing information to the media, the Department has established a site on the World Wide Web listing countries that require disinsection.

Regulatory Analysis and Notices

The Department has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. The Department placed a regulatory evaluation that examined the estimated costs and impacts of the proposal in the docket. It has not quantified the costs of this termination but expects any economic impact to be minimal. Adopting a regulatory regime for the few

flights involved would have been unnecessarily costly and burdensome, particularly for travel agents, many of which are small entities. Persons that wish to find out what countries still require spraying will be able to find out via the internet or by calling DOT or the airline.

Issued in Washington, DC on December 22, 1997.

Rodney Slater,
Secretary.

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DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Parts 10, 12, 18, 24, 111, 113, 114, 125, 134, 145, 162, 171, and 172**

RIN 1515-AC01

Petitions for Relief; Seizures, Penalties, and Liquidated Damages**AGENCY:** Customs Service, Treasury.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This document proposes significant amendments to parts 171 and 172 of the Customs Regulations relating to the filing of petitions in penalty, liquidated damages, and seizure cases. The proposed regulations are briefer and are designed to allow more flexibility and useful contact with Government officials in an effort to administer cases in the most efficient way possible. These proposed regulations promote a more customer-friendly atmosphere and eliminate needless or redundant provisions. The affected parts are recrafted to include petition processing in seizure and unsecured penalty cases under part 171 and liquidated damages and secured penalty petition processing under part 172.

DATES: Comments must be received on or before April 3, 1998.

ADDRESSES: Comments (preferably in triplicate) may be submitted to the Office of Regulations and Rulings, Regulations Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, D.C. 20229, and inspected at the Regulations Branch, Ronald Reagan Building, Suite 3000, 1300 Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings, 202-927-2344.