agreements and informal de facto reciprocal arrangements.

(4) *Applicability of a formal bilateral agreement or an informal de facto arrangement for NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, or NATO–6 dependents.* The applicability of a formal bilateral agreement shall be based on the NATO Member State which employs the principal alien and not on the nationality of the principal alien or dependent. The applicability of an informal de facto arrangement shall be based on the NATO Member State which employs the principal alien, and the principal alien also must be a national of the NATO Member State which employs him or her in the United States. Dependents of SACLANT employees receive bilateral agreement or de facto arrangement employment privileges as appropriate based upon the nationality of the SACLANT employee (principal alien).

(5) *Application procedures.* The following procedures are required for dependent employment applications under bilateral agreements and de facto arrangements:

(i) The dependent of a NATO alien shall submit a complete application for employment authorization, including Form I–765 and Form I–566, completed in accordance with the instructions on, or attached to, those forms. The complete application shall be submitted to SACLANT for certification of the Form I–566 and forwarding to the Service.

(ii) In a case where a bilateral dependent employment agreement containing a numerical limitation on the number of dependents authorized to work is applicable, the certifying officer of SACLANT shall not forward the application for employment authorization to the Service unless, following consultation with State's Office of Protocol, the certifying officer has confirmed that this numerical limitation has not been reached. The countries with such limitations are indicated on the bilateral/de facto dependent employment listing issued by State's FLO.

(iii) SACLANT shall keep copies of each application and certified Form I–566 for 3 years from the date of the certification.

(iv) A dependent applying under the terms of a de facto arrangement must also attach a statement from the prospective employer which includes the dependent's name, a description of the position offered, the duties to be performed, the hours to be worked, the salary offered, and verification that the dependent possesses the qualifications for the position.

(v) A dependent applying under paragraph (s)(2) (iii) or (iv) of this section must also submit a certified statement from the post-secondary educational institution confirming that he or she is pursuing studies on a full-time basis.

(vi) A dependent applying under paragraph (s)(2)(v) of this section must also submit medical certification regarding his or her condition. The certification should identify both the dependent and the certifying physician, give the physician's phone number, identify the condition, describe the symptoms, provide a clear prognosis, and certify that the dependent is unable to maintain a home of his or her own.

(vii) The Service may require additional supporting documentation, but only after consultation with SACLANT.

(6) *Period of time for which employment may be authorized.* If approved, an application to accept or continue employment under this paragraph shall be granted in increments of not more than 3 years.

(7) *Income tax and Social Security liability.* Dependents who are granted employment authorization under this paragraph are responsible for payment of all Federal, state, and local income taxes, employment and related taxes and Social Security contributions on any remuneration received.

(8) *No appeal.* There shall be no appeal from a denial of permission to accept or continue employment under this paragraph.

(9) *Unauthorized employment.* An alien classified as a NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, or NATO–7 who is not a NATO principal alien and who engages in employment outside the scope of, or in a manner contrary to, this paragraph may be considered in violation of status pursuant to section 237(a)(1)(C)(i) of the Act. A NATO principal alien in those classifications who engages in employment outside the scope of his or her official position may be considered in violation of status pursuant to section 237(a)(1)(C)(i) of the Act.

* * * * *

PART 299—IMMIGRATION FORMS

3. The authority citation for Part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

4. Section 299.1 is amended by revising the entry to the form ''I–566'' to read as follows:

§ 299.1 Prescribed forms.

* * * * *

Form no.	Edition date	Title
*	*	*
I–566	10–15–96	Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G status; or Requesting A, G or NATO Dependent Employment Authorization.
*	*	*

Dated April 15, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–15689 Filed 6–11–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 71

[Docket No. 97–099–2]

EIA; Handling Reactors at Livestock Markets

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations pertaining to livestock facilities under State or Federal veterinary supervision to require that any livestock facility accepting horses classified as reactors to equine infectious anemia must quarantine these animals at all times at least 200 yards from all equines that are not reactors to this disease. Currently, livestock facilities accepting reactors to equine infectious anemia are required to quarantine the reactors that will remain at the facility for longer than 24 hours at least 200 yards away from all other animals. This rule will help to prevent the interstate spread of equine infectious anemia, a contagious, vector-borne disease affecting equines.

EFFECTIVE DATE: July 13, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. Tim Cordes, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–3279.

SUPPLEMENTARY INFORMATION:

Background

The regulations in subchapter C, ''Interstate Transportation of Animals (Including Poultry) and Animal Products,'' of chapter I, title 9, of the Code of Federal Regulations contain provisions designed by the Animal and Plant Health Inspection Service (APHIS) to prevent the dissemination of animal diseases in the United States. Part 71 of subchapter C includes general provisions. Section 71.20 pertains to APHIS approval of livestock facilities, which include stockyards, livestock markets, buying stations, concentration points, or any other premises under State or Federal veterinary supervision where livestock are assembled. Section 71.20(a) includes an agreement that livestock facilities must execute to obtain APHIS approval. According to the agreement, any approved livestock facility that elects to accept horses that are reactors to equine infectious anemia (EIA) must place EIA reactors in a quarantine pen at least 200 yards from any non-EIA-reactor horses and other animals, unless the EIA reactors will be moving out of the facility within 24 hours of arrival. (According to the definitions in § 71.1, ''horses'' includes ''horses, asses, mules, ponies, and zebras.'' Throughout this document, the same definition applies.)

EIA is a contagious, potentially fatal disease affecting horses that is spread by infected blood coming into contact with the blood in a healthy animal. Therefore, humans can spread EIA from horse to horse through unsafe vaccination or blood-testing practices; naturally, the disease is spread by insect vectors. Although, theoretically, EIA could be spread by any type of blood-consuming insect, such as mosquitoes and deer flies, the disease is generally spread by large horse flies. EIA spreads when a blood-consuming insect is interrupted during a feeding on an infected animal and then resumes feeding on an uninfected animal while the infected blood is still on the insect's mouthparts. While mosquitoes have finely structured mouthparts that directly penetrate small blood vessels, the mouthparts of horse flies and deer flies include scissorlike blades that cut and slash the horse's skin leaving relatively large amounts of blood on the mouthparts. Research has shown that deer flies and smaller species of horse flies are not as easily disrupted from their bloodmeals on horses as are large horse flies. The large flies cause painful bites that trigger a physiological response from the horse. If disrupted by the horse while feeding, the horse fly may then move to another horse to complete the bloodmeal.[1]

Regulations pertaining to the interstate movement of animals affected with EIA are located in 9 CFR part 75. According to these regulations, EIA reactors may be moved interstate only for immediate slaughter, to a diagnostic or research facility, to the animal's home farm, or to an approved stockyard for sale for immediate slaughter. Approximately 1,500 horses in the United States test positive for EIA each year. Currently, an estimated 40 percent of these animals move through livestock markets on their way to slaughter.

On January 27, 1998, we published in the **Federal Register** (63 FR 3849–3851, Docket No. 97–099–1) a proposal to amend the regulations at § 71.20(a). Because EIA is transmitted by horse flies that feed on the blood of horses, allowing healthy horses to come into close contact with EIA reactors for any length of time could allow for infection of the healthy horses. Therefore, we proposed to remove the exemption from the quarantine requirement for EIA reactors that will be in an approved livestock facility for fewer than 24 hours. We also proposed to remove the requirement that EIA reactors be quarantined at least 200 yards away from nonequine animals because we no longer believe this requirement is necessary to prevent EIA transmission.

We solicited comments concerning our proposal for 60 days ending March 30, 1998. We received six comments by that date. They were from representatives of State departments of agriculture, organizations representing the veterinary profession, an equine industry association, and an organization that represents livestock auction markets and livestock dealers. Five of the comments supported the proposed rule as written. These commenters generally stated that the proposed rule would help to prevent the interstate spread of EIA and that APHIS should implement the proposed rule to help protect healthy horses from this disease. The concerns expressed by the one commenter not in favor of the proposed rule are discussed below.

The commenter stated that perhaps effective alternatives to the 200-yard separation requirement exist that were not considered by APHIS. The commenter raised questions about other control measures, such as using covered facilities to separate reactors and nonreactors, reducing the 200-yard separation requirement for horses not showing clinical signs of EIA, and using insecticide sprays to control the vector that transmits EIA. The commenter requested that the proposed rule be substantially altered or withdrawn for further consideration ''because much more information is needed on effective, practical control measures in the movement of EIA reactors through livestock markets.''

We disagree that such information is lacking. Separating EIA reactors from healthy horses by a distance of 200 yards is a scientifically proven and time-tested method of preventing EIA transmission by insect vector. This prevention measure is absolute; covered facilities and pesticides are only partial control measures. In regard to the suggestion to reduce the 200-yard separation requirement for horses not showing clinical signs of EIA, horses that are asymptomatic reactors are capable of spreading the disease.

The commenter also expressed concerns regarding two economic issues. The first was that markets with extremely limited land area will not be able to meet the 200-yard separation requirement and that this situation could have two effects: The number of livestock markets available to owners of EIA reactors would be limited, and livestock markets that cannot comply with the rule and that are near slaughter facilities will lose trade in EIA reactors to the slaughter facilities. The second concern was that this rule would give an unfair economic advantage to entities that compete with livestock markets because this rule would apply only to livestock markets and not other types of related businesses, such as independent buying stations.

In regard to the first concern, we believe that there are few livestock facilities that cannot comply with this rule because of a lack of adequate land area. Further, the effect of this rule on all livestock markets will be minimal. The number of EIA reactors moving through livestock markets annually is extremely small compared to the number of healthy horses and all other livestock combined that move through these markets. During the last decade, an average of 1,500 EIA reactors have been identified annually. We estimate that fewer than half of these animals are sent to slaughter. The business derived from the sale of EIA reactors to livestock markets is an extremely small percentage of the total business derived from the sale of all other U.S. livestock to these facilities.

In regard to the issue of this rule not applying to entities that compete with livestock markets, APHIS does not

[1] Information regarding research on EIA transmission may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

regulate intrastate movement of horses unless an extraordinary emergency is declared. Therefore, EIA reactors sold intrastate are normally outside of our jurisdiction. However, any facility that deals in EIA reactors sold interstate must be approved by APHIS and abide by this rule.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule without change.

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

The regulations in 9 CFR part 71 require that any horses classified as EIA reactors and accepted by a facility for sale are to be placed in quarantine pens at least 200 yards from all non-EIA-reactor horses or other animals, unless moving out of the facility within 24 hours of arrival. This rule removes the ''less-than-24-hours'' exemption: Quarantine will be required regardless of the length of time between an EIA reactor's arrival and departure from a facility. This rule also amends the regulations by requiring that EIA reactors be quarantined at least 200 yards away from all horses that are not reactors, rather than at least 200 yards away from all other animals.

Facilities that buy and sell horses are included in the Small Business Administration's SIC (Standard Industrial Classification) category ''Livestock Services, Except Veterinary.'' Firms in this category with annual receipts of less than $5 million are considered small entities. It is likely that most, if not all, of the approximately 200 facilities that buy and sell horses are ''small'' under this definition.

Most facilities that buy and sell horses already have quarantine pens, in accordance with current regulations. The estimated 20 percent that do not have quarantine pens could build or modify existing pens for quarantine use at a relatively minor cost: APHIS estimates that, at most, construction of a quarantine pen would cost about $1,000.

However, costs of quarantine pen construction are not attributable to this rule because quarantine, per se, is not a new requirement. Only those facilities that accept EIA reactors and that in the past have always moved all EIA reactors within 24 hours of arrival would need to construct or modify pens for quarantine purposes as a consequence of this rule. As no facility can always be certain of movement of EIA reactors within 24 hours, no costs should be incurred strictly because of this rule. Moreover, by requiring all EIA reactors at approved livestock facilities to be quarantined, the horse industry in general will benefit from a further reduction in the risk of EIA transmission.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 71

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

Accordingly, 9 CFR part 71 is amended as follows:

PART 71—GENERAL PROVISIONS

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

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 71.20 [Amended]

2. In § 71.20, paragraph (a), in the sample agreement, paragraph (16)(ii) is amended by removing the words ''or other animals, unless moving out of the facility within 24 hours of arrival.''

Done in Washington, DC, this 9th day of June 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–15749 Filed 6–11–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–110–AD; Amendment 39–10577; AD 98–12–23]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain British Aerospace (BAe) Model H.P. 137 Jetstream Mk. 1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes. This AD requires replacing the windshield wiper arm attachment bolts and windshield wiper arm on all of the affected airplanes; and measuring the material thickness of the upper and lower toggle attachment brackets on the nose landing gear of the affected airplanes, and replacing the toggle attachment bracket lugs. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which could result in possible injury to the pilot and passengers; and to prevent collapse of the nose landing gear caused by design deficiency, which could result in loss of control of the airplane during landing operations.

DATES: Effective July 28, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft., Prestwick International Airport, Ayrshire, KA9 2RW, Scotland;