

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 98-029-1]

#### Change in Disease Status of the Republic of South Africa Because of Foot-and-Mouth Disease and Rinderpest

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to declare the Republic of South Africa, except Kruger National Park and the remainder of the foot-and-mouth disease controlled area, free of foot-and-mouth disease. We are also proposing to declare all of the Republic of South Africa free of rinderpest. These proposed actions appear to be appropriate because there have been no outbreaks of foot-and-mouth disease in the Republic of South Africa, except in Kruger National Park and the remainder of the foot-and-mouth disease controlled area, since 1957, and there have been no outbreaks of rinderpest in the Republic of South Africa since 1903. These proposed actions would relieve certain restrictions due to foot-and-mouth disease and rinderpest on the importation into the United States of certain live animals and animal products from all regions of the Republic of South Africa, except Kruger National Park and the remainder of the foot-and-mouth disease controlled area. However, because we consider the Republic of South Africa to be affected with hog cholera, African swine fever, and swine vesicular disease, and because the Republic of South Africa has certain trade practices regarding animals and animal products that are less restrictive than are acceptable for importation into the United States, the importation of live swine, and meat and other products from ruminants and swine, into the United States from the

Republic of South Africa would continue to be subject to certain restrictions.

**DATES:** Consideration will be given only to comments received on or before April 19, 1999.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 98-029-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 98-029-1. 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. Glen I. Garris, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-8364.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of specified animals and animal products into the United States to help prevent the introduction of various diseases, including foot-and-mouth disease (FMD) and rinderpest. FMD and rinderpest are highly contagious and destructive diseases of ruminants and swine.

Section 94.1(a) of the regulations provides that rinderpest or FMD exists in all regions of the world except those listed in § 94.1(a)(2) as free of both of those diseases and those listed in § 94.1(a)(3) as free of rinderpest. The regulations in § 94.1(b) prohibit, with certain exceptions, the importation into the United States of any ruminant or swine, or any fresh (chilled or frozen) meat of any ruminant or swine, that originates from any region where rinderpest or FMD exists, or that has entered a port in or otherwise transited a region where rinderpest or FMD exists. Also, the regulations in § 94.2 restrict the importation of fresh (chilled or frozen) products, other than meat,

and milk and milk products of ruminants or swine that originate in or transit a region where rinderpest or FMD exists. Additionally, the importation of organs, glands, extracts, and secretions of ruminants or swine originating in a region where rinderpest or FMD exists is restricted under the regulations in § 94.3, and the importation of cured or cooked meat from a region where rinderpest or FMD exists is restricted under the regulations in § 94.4. Finally, the regulations in 9 CFR part 98 restrict the importation of ruminant and swine embryos and animal semen from a region where rinderpest or FMD exists.

The Government of the Republic of South Africa has requested that the U.S. Department of Agriculture (USDA) recognize the Republic of South Africa as free of rinderpest. They have also requested that USDA recognize the Republic of South Africa, except Kruger National Park and the remainder of the FMD-controlled area, as free of FMD.

We will consider declaring a region free of rinderpest and FMD if, among other things, no cases of those diseases have been reported in the region for at least the previous 1-year period and no vaccinations for rinderpest or FMD have been administered to ruminants or swine in that region for at least the previous 1-year period. Rinderpest has not been diagnosed in the Republic of South Africa since 1903, and vaccination for rinderpest has never occurred. The last diagnosed case of FMD, outside Kruger National Park and the remainder of the FMD-controlled area, occurred in 1957, and vaccination outside of Kruger National Park and the remainder of the FMD-controlled area is not allowed.

In the documentation submitted by the Government of the Republic of South Africa and information obtained during the APHIS on-site evaluation (described later in this document), Kruger National Park and the remainder of the FMD-controlled area are described. Kruger National Park is surrounded by a barbed-wire fence that is approximately 6 feet high and patrolled by employees of the Republic of South Africa's agriculture department. One employee is stationed every 10 kilometers (km). At this time, the barbed-wire fence is being replaced by an electrified fence that is approximately 8 feet high. Beyond the

fence, the FMD-controlled area continues. The FMD-controlled area consists of the "enzootic area," a "surveillance area," and the rest of the controlled area (which forms a third buffer between infected areas and the free zone). The enzootic area is the innermost area of the FMD-controlled area and is approximately 10 to 20 km wide. Kruger National Park is within the enzootic area. The enzootic area extends along the national boundaries of the Republic of South Africa and Kruger National Park (see map below). Cattle and small stock (goats, sheep, and pigs) can be found in the enzootic area. Under the Republic of South Africa's regulations, cattle are inspected for signs of FMD every 7 days, and goats and sheep are similarly inspected every 28 days. In the portion of the enzootic area that is outside of and that borders Kruger National Park, all cattle, sheep, and goats are vaccinated against FMD every 6 months. Pigs are not vaccinated or examined in the enzootic area. However, there is no known commercial activity involving pigs in the enzootic

area. The small stock people raise in this area are sheep and goats, and not pigs. If any pigs are present, they are raised for personal consumption and are not likely to be moved out of the area. Movement of animals susceptible to FMD from the enzootic area to the rest of the controlled area or the proposed FMD-free area of the Republic of South Africa requires written approval, except for direct movement to slaughter. In addition, movement of animals from the enzootic area to the surveillance area is allowed under permit after a 14-day quarantine. Also, written approval may be necessary under certain circumstances. Cattle moved from the enzootic area to the surveillance area are required to be permanently branded, except in the case of direct movement to slaughter.

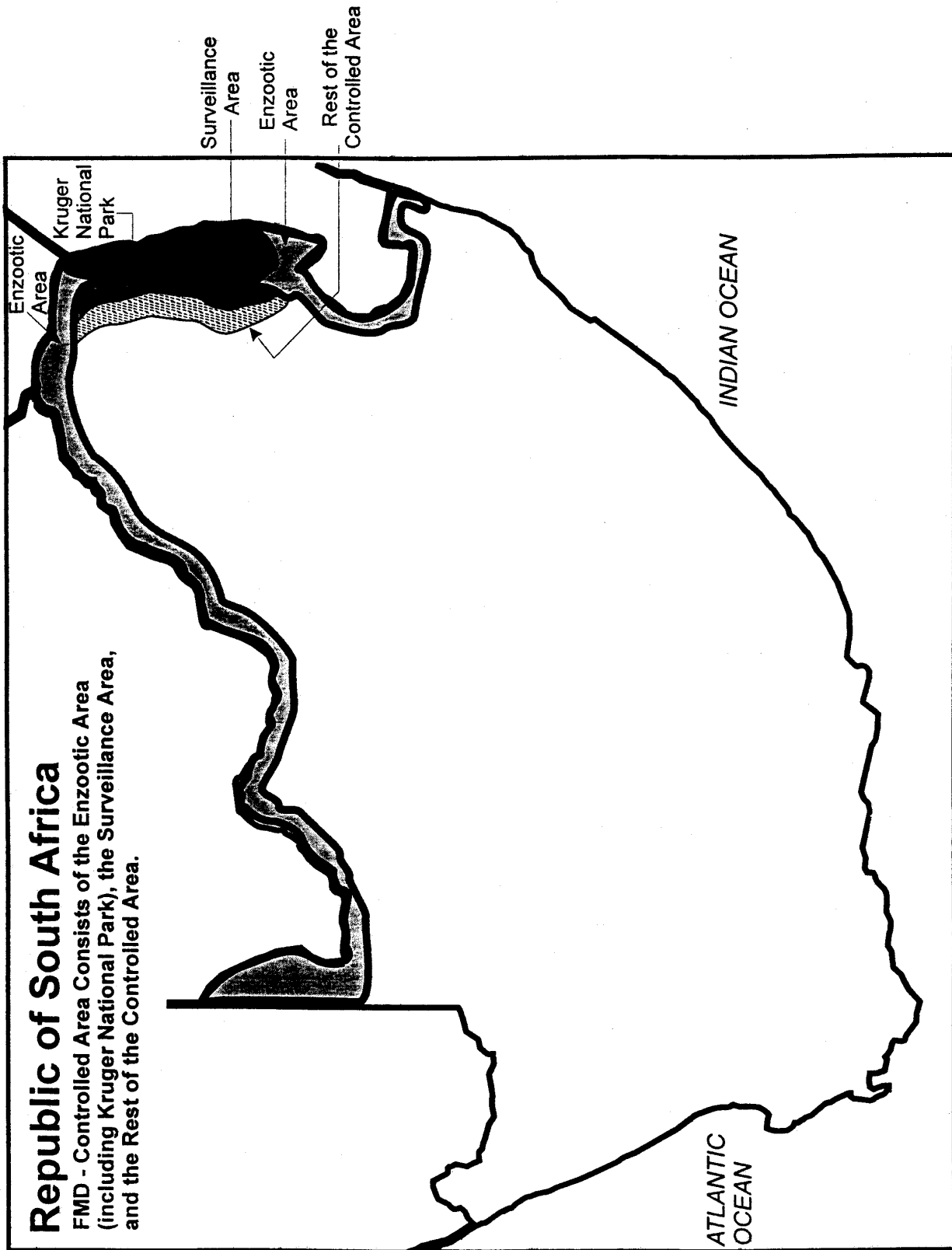
The surveillance area is approximately 10 to 50 km wide; it borders the enzootic area that adjoins Kruger National Park. Under the Republic of South Africa's regulations, cattle in the surveillance area are inspected for signs of FMD every 14 days, and goats and sheep are similarly

inspected every 28 days. Vaccination against FMD is not permitted in the surveillance area. The movement of animals from the surveillance area to the rest of the FMD-controlled area or to the proposed FMD-free area is allowed only after a 14-day quarantine, issuance of a permit, and written approval, in some cases. Negative serology is also required under certain circumstances. No branded cattle are allowed to leave the surveillance area, except for direct movement to slaughter. However, branded cattle that are in the rest of the controlled area or the proposed FMD-free area are subject to permit control and may be moved only after written approval from the proper authorities.

The rest of the controlled area is approximately 10 to 20 km wide. This area separates the surveillance area from the rest of the Republic of South Africa. Under the Republic of South Africa's regulations, cattle in this area must be inspected for signs of FMD every 28 days. Vaccination against FMD is not permitted.

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Map of the FMD-Controlled Area, Including Zones



This is not to scale. This is only an illustration.

The Republic of South Africa also provided information about its surveillance system within the region under consideration for FMD-free status. The Republic of South Africa has primarily a passive surveillance system in which all cases of vesicular disease are investigated. Control measures are followed to prevent the introduction of FMD from Kruger National Park and bordering countries. If a case of FMD is discovered within the region under consideration for FMD-free status, the affected herd will be depopulated.

#### **APHIS Review of Information**

The Animal and Plant Health Inspection Service (APHIS) has reviewed the documentation submitted by the Government of the Republic of South Africa in support of its request, and a team of APHIS officials traveled to the Republic of South Africa in May 1998 to conduct an on-site evaluation of the Republic of South Africa's animal health program with regard to rinderpest and FMD. The on-site evaluation consisted of a review of the Republic of South Africa's veterinary services, laboratory and diagnostic procedures, disease surveillance system, and vaccination practices, and its administration of laws and regulations to ensure that rinderpest and FMD are not introduced through the importation of live animals, meat, and other animal products from other regions, including Kruger National Park and the remaining FMD-controlled area.

#### **Livestock Demographics**

The on-site evaluation also included a review of the livestock demographics within the FMD-controlled area. Currently, cattle and small stock are raised in the FMD-controlled area, and farmers in the FMD-controlled area typically raise a dozen or so cattle for their personal use and consumption and market one or more of the animals if cash is needed. However, cattle in the FMD-controlled area are not generally raised for commercial purposes. There are approximately 90,000 cattle in the enzootic area, and approximately 120,000 small stock, which consists primarily of goats but also includes some sheep. Pigs are uncommon. Small stock are raised for consumption by the owners and not for commercial purposes.

#### **Movement of Meat and Other Products**

There are approximately 10 approved slaughter facilities within the FMD-controlled area, and essentially all meat produced in these facilities is consumed within the FMD-controlled area. However, the Republic of South Africa's

regulations allow cooked and cured meat, hides, and other products prepared in the FMD-controlled area to enter the proposed FMD-free area. Also, the Republic of South Africa's regulations allow carcasses, meats, hides, and skins prepared in approved slaughter facilities in the FMD-controlled area to enter the proposed FMD-free area. In addition, carcasses and offal that do not originate from approved slaughter facilities may be moved from the enzootic area to the surveillance area for a person's own consumption if the herd of origin has been inspected within the preceding 7 days (cattle) or 28 days (small stock) or the whole carcass, head, and feet have been inspected. Hides and skins not originating from approved slaughter facilities may be moved from the enzootic area to any destination under permit, and hides and skins originating from approved slaughter facilities may be moved from the enzootic area to any destination without a permit.

#### **Barriers Between Regions**

APHIS officials also evaluated whether the region under consideration for FMD-free status was separated adequately by physical or other barriers from adjacent regions of higher risk. APHIS officials observed that the outer limits of the FMD-controlled area around Kruger National Park, previously described in this document, are delineated by a range of high mountains that virtually encircle the park. In addition, the Republic of South Africa's northern boundary is rugged and mountainous. With the exception of its border with the southernmost portion of Namibia, the Republic of South Africa's borders are protected by almost 3,000 km of fencing that is electrified in some areas and topped with barbed wire. Also, some areas of the fence consist of two or more parallel fences with coils of electrified razor wire that run between the outer fences. The fences are maintained and patrolled by the country's army. The portion of its boundary with Namibia that is not fenced is too mountainous to erect a fence.

#### **Proposed Action**

Based on the documentation provided by the Government of the Republic of South Africa and the data gathered during the on-site visit by APHIS officials,<sup>1</sup> we are proposing to recognize all of the Republic of South Africa as

<sup>1</sup> A risk assessment has been prepared for this action and is available upon written request from the person listed under **FOR FURTHER INFORMATION CONTACT**.

free of rinderpest and all of the Republic of South Africa, except Kruger National Park and the remainder of the FMD-controlled area, as free of FMD. Accordingly, we would add the Republic of South Africa, except Kruger National Park and the remainder of the FMD-controlled area, to § 94.1(a)(2) as a region free of rinderpest and FMD. We would also amend § 94.1(a)(3) by listing the Republic of South Africa as a region free of rinderpest.

These proposed actions would remove: (1) The rinderpest-based prohibitions on the importation of live ruminants and swine and fresh (chilled or frozen) meat from ruminants and swine from the Republic of South Africa, and the FMD-based prohibitions on such importations from the Republic of South Africa, except for Kruger National Park and the remainder of the FMD-controlled area; (2) the rinderpest-based restrictions on the importation of milk and milk products from ruminants and swine from the Republic of South Africa, and the FMD-based restrictions on such importations from the Republic of South Africa, except for Kruger National Park and the remainder of the FMD-controlled area; (3) the rinderpest-based restrictions on the importation of organs, glands, extracts, and secretions from ruminants and swine from the Republic of South Africa, and the FMD-based restrictions on such importations from the Republic of South Africa, except for Kruger National Park and the remainder of the FMD-controlled area; and (4) the rinderpest-based restrictions on the importation of semen and embryos from ruminants and swine from the Republic of South Africa, and the FMD-based restrictions on such importations from the Republic of South Africa, except for Kruger National Park and the remainder of the FMD-controlled area.

However, because APHIS considers the Republic of South Africa to be affected with hog cholera, African swine fever, and swine vesicular disease, pork and pork products from all regions of the Republic of South Africa would remain subject to the restrictions in § 94.8 for African swine fever, § 94.9 for hog cholera, and § 94.12 for swine vesicular disease. Similarly, dry cured pork products would only be allowed importation from the Republic of South Africa in accordance with § 94.17. In addition, because of the presence of these swine diseases, we would continue to prohibit the importation of live swine into the United States from any part of the Republic of South Africa, except as provided in 9 CFR part 93 for wild swine. Finally, the importation of ruminant and swine embryos and semen

from the Republic of South Africa would be restricted as provided in subparts B and C of 9 CFR part 98 due to the presence of other ruminant and swine diseases.

We are also proposing to add the proposed FMD-free area of the Republic of South Africa to the list in § 94.11(a) of regions declared free of rinderpest and FMD but are subject to special restrictions on the importation of their meat and other animal products into the United States. The regions listed in § 94.11(a) are subject to these special restrictions because they: (1) Supplement their national meat supply by importing fresh (chilled or frozen) meat of ruminants or swine from regions that are designated in § 94.1(a) as regions where rinderpest or FMD exists; or (2) have a common land border with regions where rinderpest or FMD exists; or (3) import ruminants or swine from regions where rinderpest or FMD exists under conditions less restrictive than would be acceptable for importation into the United States.

The Republic of South Africa supplements its national meat supply by importing fresh (chilled or frozen) meat of ruminants and swine from regions designated in § 94.1(a)(1) as regions in which rinderpest or FMD exists. In addition, the Republic of South Africa shares common land borders with regions designated in § 94.1(a)(1) as regions in which rinderpest or FMD exists. Furthermore, the Republic of South Africa imports live ruminants and swine from regions not recognized as free of rinderpest or FMD under conditions less restrictive than would be acceptable for importation into the United States. As a result, there is some risk that the meat and other animal products produced by the Republic of South Africa could be commingled with the fresh (chilled or frozen) meat of animals from a region in which rinderpest and FMD exists and present an undue risk of introducing rinderpest or FMD into the United States if imported without restriction.

Under § 94.11, meat and other animal products of ruminants and swine, including ship stores, airplane meals, and baggage containing these meat or animal products, may not be imported into the United States except in accordance with § 94.11 and applicable requirements of the USDA's Food Safety and Inspection Service at 9 CFR chapter III.

Section 94.11 generally requires that the meat and other animal products of ruminants and swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal

Meat Inspection Act; and (2) accompanied by an additional certificate, issued by a full-time salaried veterinary official of the national government of the exporting region, assuring that the meat or other animal products have not been commingled with or exposed to meat or other animal products originating in, imported from, transported through, or that have otherwise been in a region where rinderpest or FMD exists.

On October 28, 1997, we published a final rule and policy statement in the **Federal Register** that established procedures for recognizing regions, rather than only countries, for the purpose of importing animals and animal products into the United States, and that established procedures by which regions may request permission to export animals and animal products to the United States under specified conditions, based on the regions' disease status (see 62 FR 56000-56033, Dockets 94-106-8 and 94-106-9). The final rule was effective on November 28, 1997. The request from the Republic of South Africa addressed by this proposed rule is a request to be recognized as two regions with respect to FMD. The Republic of South Africa provided documentation to support that the entire country is free of rinderpest. That Government also provided documentation to support that the Republic of South Africa, except Kruger National Park and the remainder of the FMD-controlled area, is free of FMD. Therefore, we have handled and evaluated this request in the traditional framework of recognizing a region as free or not free of a specified disease. This action does not involve establishment of any additional restrictions on animals or animal products from the Republic of South Africa.

#### Miscellaneous

In § 94.1(b)(1), reference is made to part 92 for the importation of ruminants and swine. In Docket No. 94-106-9, referenced previously in this document, we redesignated part 92 as part 93. This citation was not redesignated at that time due to our oversight. We are proposing to correct that oversight in this document.

#### Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. This 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.

This proposed rule would declare all of the Republic of South Africa free of rinderpest and the Republic of South Africa, except Kruger National Park and the remainder of the FMD-controlled area, free of FMD. This proposed rule would not relieve restrictions imposed on the importation of swine and pork or pork products because APHIS considers the Republic of South Africa as affected with hog cholera, African swine fever, and swine vesicular disease. In addition, since the Republic of South Africa shares land borders and maintains trading relationships with FMD-affected regions, ruminant meat and other products imported into the United States from the Republic of South Africa would still be subject to certain restrictions under this proposed rule.

The cattle industry in the Republic of South Africa is small relative to the cattle industry in the United States. In 1997, there were more than 101 million head of cattle in the United States, compared to more than 13 million in the Republic of South Africa. Of the 2 million head of cattle that were imported into the United States in 1996, more than 99 percent were from Canada and Mexico. Sheep and goat inventories are much larger in the Republic of South Africa than in the United States. In 1997, there were more than 35 million sheep and goats in the Republic of South Africa, compared to more than 7 million sheep and goats in the United States. Of the sheep that the United States imports, more than 99 percent are from Canada and Mexico ("World Trade Atlas," June 1997). In 1995, the United States imported 460 goats and sheep from the Republic of South Africa; however, since 1995, the United States has not imported any live goats and sheep from the Republic of South Africa. We do not believe that adoption of this proposed rule would result in any significant increase in the number of live ruminants imported into the United States from the Republic of South Africa because the United States imports ruminants primarily from Canada and Mexico.

We also do not believe that adoption of this proposed rule would result in any significant increase in the amount of ruminant meat (beef, veal, mutton, and goat meat) and meat products imported into the United States from the Republic of South Africa. The Republic of South Africa's production of ruminant meat in 1997 was 1,542 million pounds, compared to 26,089 million pounds of ruminant meat produced in the United States. In 1997, the Republic of South Africa imported 196 million pounds of ruminant meat

and exported 44 million pounds of ruminant meat. The Republic of South Africa primarily trades with the European Union, Middle East, Japan, Korea, Australia, New Zealand, and neighboring African countries. The United States obtains more than 85 percent of its imports of ruminant meat and meat products from Australia, Canada, and New Zealand. Any effect on domestic supplies of ruminant meat and meat products would be negligible because we believe that it is unlikely that the Republic of South Africa would redirect a significant portion of its ruminant meat production for export exclusively to the United States if this proposed rule is adopted, given that restrictions would remain in place for imports into the United States.

The importation of dairy products from the Republic of South Africa into the United States should also be minimally affected by this rule. In 1997, U.S. exports and imports of dairy products were valued at \$727 million and \$1,274 million, respectively. In 1997, the United States exported \$3,391,000 worth of dairy products to the Republic of South Africa and imported only \$2,000 worth of dairy products from the Republic of South Africa. We believe that it is highly unlikely that the United States would import a significant amount of dairy products from the Republic of South Africa because the United States is a significant net exporter of those products to the Republic of South Africa. Therefore, the impact on domestic dairy producers should be minimal.

The importation of ruminant embryos and semen from the Republic of South Africa into the United States should also be minimally affected by this rule. The United States is a net exporter of both bovine semen and cattle embryos. In 1996, the value of U.S. bovine semen and cattle embryo imports was \$7.7 million and \$701,000, respectively, while the value of U.S. exports of bovine semen and cattle embryos was \$63.1 million and \$12.6 million, respectively ("World Trade Atlas," June 1997). Due to the trade balance and the size differences between the cattle industries of the United States and the Republic of South Africa, the amount of embryos and semen imported will likely be minimal and have a minimal impact on small domestic cattle producers.

The entities most likely to be affected by this proposed rule are those entities engaged in the production of live ruminants and ruminant meat and meat products. The Small Business Administration's (SBA's) definition of a small cattle farm is one whose total

sales is less than \$0.5 million annually. In 1992, 97.8 percent of cattle and calf farms in the United States would have been considered small entities.

The SBA's guidelines state that a small producer of pork and ruminant products (part of Standard Industrial Classification (SIC) 2011 or 2013, meat packing plants) is one employing fewer than 500 workers. In 1992, 97 percent of the 1,367 meat packing establishments in SIC 2011 were considered small entities. These small establishments accounted for approximately 40 percent of the total value of shipments of the industry, or \$50.4 billion. In 1992, 98 percent of the 1,264 establishments in SIC 2013 were considered small entities. These producers accounted for 84 percent of the total value of shipments of the industry, or \$19.97 billion.

Although the majority of the domestic entities potentially affected by this proposed rule are small, there should be only a minimal change in the level of imports that may compete with the production of these small entities, and thus there would be a minimal impact on any domestic producer of these products, whether small or large.

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 12988

This proposed rule has been reviewed under Executive Order 12988, 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.

#### National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of certain live animals and animal products from all regions of the Republic of South Africa, except Kruger National Park and the remainder of the foot-and-mouth disease controlled area, would not present a significant risk of introducing or disseminating FMD or rinderpest disease agents into the United States and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has

determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection 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 copies are requested to call ahead on (202) 690-2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

#### Paperwork Reduction Act

This proposed rule contains no new 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 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are proposing to amend 9 CFR part 94 as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 would continue to read as follows:

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

#### **§ 94.1 [Amended]**

2. Section 94.1 would be amended as follows:

a. In paragraph (a)(2), by adding the words "Republic of South Africa (except Kruger National Park and the remainder of the foot-and-mouth disease controlled area that separates the foot-and-mouth

disease free area of the Republic of South Africa from Kruger National Park and the regions along the Republic of South Africa's northern border)," immediately after "Republic of Korea,".

b. In paragraph (a)(3), by adding the words "and the Republic of South Africa" immediately after "Greece".

c. In paragraph (b)(1), the reference "part 92" would be removed and the reference "part 93" would be added in its place.

#### § 94.11 [Amended]

3. In § 94.11, paragraph (a) would be amended by adding, in the first sentence, the words "Republic of South Africa (except Kruger National Park and the remainder of the foot-and-mouth disease controlled area that separates the foot-and-mouth disease free area of the Republic of South Africa from Kruger National Park and the regions along the Republic of South Africa's northern border)," immediately after "Republic of Korea,".

Done in Washington, DC, this 10th day of February 1999.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99-3866 Filed 2-16-99; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-323-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Powered by Rolls-Royce RB211-535C/E4/E4B Turbofan Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757-200, -200PF, and -200CB series airplanes. This proposal would require modification of the engine thrust control cable installation, and repetitive inspections to detect certain discrepancies of the cables, pulleys, pulley brackets, and cable travel; and repair, if necessary. This proposal is prompted by reports of failure of certain engine thrust control cables. The actions specified by the

proposed AD are intended to prevent such failures, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by April 5, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-323-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1547; fax (425) 227-1181.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following

statement is made: "Comments to Docket Number 98-NM-323-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-323-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

In 1985, the FAA received a report indicating that a Boeing Model 747-100 series airplane had experienced a thrust control 'B' cable failure following application of reverse thrust during landing. This failure caused engine number 1 to advance to full forward thrust with engine numbers 2, 3, and 4 in full reverse thrust. The airplane exited the runway and eventually slid to a stop with consequent hull damage.

In April 1997, during a review of the certification plan for Boeing Model 757-300 series airplanes, Boeing informed the FAA that the thrust control cable installation on Boeing Model 757-200, -200PF, and -200CB series airplanes, equipped with Rolls Royce engines, is similar to the thrust control cable installation on the Boeing Model 747-100 series airplane, and that a similar failure could result in subsequent runway departure. Such a failure mode was examined during the type certification of the Boeing Model 757-200 series airplane and, at that time, the consensus was that the airplane would be controllable following a thrust control 'B' cable failure. The 1985 report and subsequent testing of a Model 757-200 series airplane contradicted this assumption.

The FAA recently has received a report of uncommanded advancement of the right thrust lever on a Boeing Model 757-200 series airplane during flight. Subsequently, the engine power began steadily increasing. In order to reduce the engine power, the flight crew set the lever to the idle stop position; however, the engine power continued to increase. The flight crew then used the cut-off lever to stop the engine as it approached the maximum speed. After the airplane landed, a close visual inspection revealed that the thrust control cable had broken due to continuous chafing against the adjacent wire bundle that supplies power to the right window heater. Such failure of a thrust control cable could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.