

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 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 371.4.

#### § 94.1 [Amended]

2. Paragraph (a)(1) of § 94.1 is amended by removing the words "Except as provided in § 94.21, rinderpest" and replacing them with the word "Rinderpest".

#### § 94.4 [Amended]

3. Section 94.4 is amended as follows:

a. Paragraph (a) is amended by removing the words "Except for cured beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the" and replacing them with the word "The".

b. Paragraph (b) is amended by removing the words "Except for cooked beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the" and replacing them with the word "The".

#### § 94.21 [Removed and reserved]

4. Section 94.21 is removed and reserved.

Done in Washington, DC, this 29th day of May 2001.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-13914 Filed 6-1-01; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 01-029-1]

#### Change in Disease Status of the Republic of San Marino and the Independent Principalities of Andorra and Monaco

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations by adding the Republic of San Marino and the independent principalities of Andorra and Monaco to the list of regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States because their import requirements are less restrictive than those required for

import into the United States and/or because of inadequate surveillance. The effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San Marino and meat, meat products, and certain other products of ruminants that have been in Andorra, Monaco, or San Marino. This action is necessary in order to prevent the introduction of bovine spongiform encephalopathy into the United States.

**DATES:** This interim rule was effective May 29, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 3, 2001.

**ADDRESSES:** Please send four copies of your comment (an original and three copies) to: Docket No. 01-029-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 01-029-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donna Malloy, Senior Staff Veterinarian, National Center for Import and Export, Products Program, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231; (301) 734-3277.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR parts 93, 94, 95, and 96 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE).

BSE is a neurological disease of cattle and is not known to exist in the United States.

It appears that BSE is primarily spread through the use of ruminant feed containing protein and other products from ruminants infected with BSE. Therefore, BSE could become established in the United States if materials carrying the BSE agent, such as certain meat, animal products, and animal byproducts from ruminants, are imported into the United States and are fed to ruminants in the United States. BSE could also become established in the United States if ruminants with BSE are imported into the United States.

Sections 94.18, 95.4, and 96.2 of the regulations prohibit or restrict the importation of certain meat and other animal products and byproducts from ruminants that have been in regions in which BSE exists or in which there is an undue risk of introducing BSE into the United States. In § 94.18, paragraph (a)(1) lists the regions in which BSE exists. Paragraph (a)(2) lists the regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those that would be acceptable for import into the United States and/or because the regions have inadequate surveillance. Paragraph (b) of § 94.18 prohibits the importation of fresh, frozen, and chilled meat, meat products, and most other edible products of ruminants that have been in any region listed in paragraphs (a)(1) or (a)(2). Paragraph (c) of § 94.18 restricts the importation of gelatin derived from ruminants that have been in any of these regions. Section 95.4 prohibits or restricts the importation of certain byproducts from ruminants that have been in any of these regions, and § 96.2 prohibits the importation of casings, except stomach casings, from ruminants that have been in any of these regions. Additionally, the regulations in 9 CFR part 93 pertaining to the importation of live animals provide that the Animal and Plant Health Inspection Service may deny the importation of ruminants from regions where a communicable disease such as BSE exists and from regions that present risks of introducing communicable diseases into the United States (see § 93.404(a)(3)).

The Republic of San Marino and the independent principalities of Andorra and Monaco supplement their food supplies with animals and animal products from their neighboring countries. The presence of BSE has been confirmed in both France, which borders Andorra and Monaco, and Italy, which borders San Marino. Andorra also borders Spain, which is listed at 94.18(a)(2) as a region that presents an undue risk of introducing BSE into the United States. Additionally, Andorra,

Monaco, and San Marino rely on the veterinary infrastructures of their neighboring countries and cannot, themselves, provide adequate surveillance.

Therefore, in order to prevent the introduction of BSE into the United States, we are amending the regulations by adding Andorra, Monaco, and San Marino to the list in § 94.18(a)(2) of regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance to detect the presence of BSE. The effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San Marino and on the importation of meat, meat products, and certain other products and byproducts of ruminants that have been in Andorra, Monaco, or San Marino.

#### Emergency Action

This rulemaking is necessary on an emergency basis to prevent the introduction of BSE into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register** that will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required under Executive Order 12866.

We are amending the regulations by adding the Republic of San Marino and the independent principalities of Andorra and Monaco to the list of regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance to detect the presence of BSE. Therefore, the effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San

Marino and meat, meat products, and certain other products of ruminants that have been in Andorra, Monaco, or San Marino. This action is necessary in order to prevent the introduction of BSE into the United States.

There is no history of importations of live animals or of animal products into the United States from Andorra, Monaco, or San Marino. Therefore, no economic effect on U.S. entities, small or otherwise, is expected to occur as a result of this interim rule.

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 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 inconsistent 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 interim 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 94

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

Accordingly, we are amending 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 continues to read as follows:

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 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 371.4.

#### **§ 94.18 [Amended]**

2. Paragraph (a)(2) of § 94.18 is amended by adding, in alphabetical order, the words “Andorra,” “Monaco,” and “San Marino,”

Done in Washington, DC, this 29th day of May 2001.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01–13913 Filed 6–1–01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000–CE–72–AD; Amendment 39–12247; AD 2001–10–04 R1]

RIN 2120–AA64

#### **Airworthiness Directives; Air Tractor, Inc. AT–400, AT–500, and AT–800 Series Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment revises AD 2001–10–04, which concerns certain Air Tractor, Inc. (Air Tractor) AT–400, AT–500, and AT–800 series airplanes. AD 2001–10–04 superseded AD 2000–14–51 and lowers the safe life for the wing lower spar cap on these airplanes. The AD was the result of numerous reports of cracks in the 3/8-inch bolthole of the wing lower spar cap on the affected airplanes. We inadvertently included certain AT–800 series airplanes in the Applicability of this AD. Those AT–800 series airplanes that are equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001–10–04. This action revises the AD to reflect this change and to provide information for applying for an alternative method of compliance with this AD. The actions specified by this AD are intended to prevent fatigue cracks from occurring in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the wing separating from the airplane during flight.

**DATES:** This AD becomes effective on June 8, 2001.

The Director of the **Federal Register** previously approved the incorporation by reference of certain publications listed in the regulation as of June 8, 2001 (66 FR 27014, May 16, 2001).

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before July 13, 2001.

**ADDRESSES:** Submit comments in triplicate to FAA, Central Region, Office