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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 97-034-1]

Change in Disease Status of The Netherlands Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending our regulations by adding The Netherlands to the list of countries where bovine spongiform encephalopathy (BSE) exists because the disease has been detected in a cow in that country. The effect of this action is to prohibit or restrict the importation of certain fresh, chilled, and frozen meat, and certain other animal products and animal byproducts from ruminants which have been in The Netherlands. This action is necessary to reduce the risk that BSE could be introduced into the United States.

DATES: Interim rule effective April 10, 1997. Consideration will be given only to comments received on or before June 16, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-034-1, 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. 97-034-1. 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. John Cougill, Staff Veterinarian, Animal Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-3399; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 94 and 95 (referred to below as the regulations) govern the importation of meat, animal products, animal 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 bovine animals and other ruminants 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 in countries in which BSE exists, are imported into the United States and are fed to ruminants in the United States.

Sections 94.18 and 95.4 of the regulations prohibit and restrict the importation of certain meat, animal products, and animal byproducts from ruminants which have been in countries in which BSE exists. These countries are listed in § 94.18 of the regulations.

The Netherlands' Ministry of Agriculture has reported a case of BSE in The Netherlands. BSE was confirmed by histopathological examination according to standardized procedures for the diagnosis of BSE. The Netherlands' Ministry of Agriculture confirmed that BSE was in a cow born in The Netherlands. The exposure of this animal to the BSE agent could only have occurred in The Netherlands. In order to reduce the risk of introducing BSE into the United States, we are, therefore, adding The Netherlands to the list of countries where BSE is known to exist. Thus, we are prohibiting or restricting the importation into the United States of certain fresh, chilled, and frozen meat, and certain animal products and animal byproducts from

ruminants which have been in The Netherlands.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction of BSE into the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this rule effective upon signature. 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**. It 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 by Executive Order 12866.

This action adds The Netherlands to the list of countries where BSE exists. We are taking this action based on reports we have received from The Netherlands' Ministry of Agriculture, which confirmed that a case of BSE has occurred in The Netherlands.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule will have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

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 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, 9 CFR part 94 is amended 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. 147a, 150ee, 161, 162, and 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).

§ 94.18 [Amended]

2. In § 94.18, paragraph (a) is amended by adding the words "The Netherlands," immediately after "Great Britain."

Done in Washington, DC, this 10th day of April 1997.

Donald W. Luchsinger,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-9633 Filed 4-14-97; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ANE-02]

Amendment to Class E Airspace; New Haven, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule which modified the Class E airspace at New Haven, CT (KHVN) by removing the Class E airspace extending upward from

the surface, effective during the times when the Airport Traffic Control Tower (ATCT) is not operating. The final rule resulted from the lack of continuous weather reporting at Tweed-New Haven Municipal Airport.

EFFECTIVE DATE: The direct final rule was effective on 0901 UTC, March 27, 1997.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, Operations Branch, ANE-530.3, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: (617) 238-7533; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 1997 (62 FR 5755). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 27, 1997. No adverse comments were received, and thus this document confirms that the final rule became effective on that date.

Issued in Burlington, MA, on April 8, 1997.

John J. Boyce,

Assistant Manager, Air Traffic Division, New England Region.

[FR Doc. 97-9578 Filed 4-14-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AWP-32]

Amendment of Class E Airspace, Battle Mountain, NV; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects errors in the airspace description of a final rule that was published in the **Federal Register** on March 21, 1997 (62 FR 13537), Airspace Docket No. 96-AWP-32. That final rule amended the Class E airspace area at Battle Mountain, NV.

EFFECTIVE DATE: 0901 UTC May 22, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6556.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 97-7225, Airspace Docket No. 96-AWP-32, published on March 21, 1997 (62 FR 13537), amended the airspace description of the Class E airspace area at Battle Mountain, NV. An error was discovered in the airspace description for the Battle Mountain, NV, Class E airspace area. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace description for the Class E airspace area at Battle Mountain, NV, which is incorporated by reference in § 71.1, as published in the **Federal Register** on March 21, 1997 (62 FR 13537), (Federal Register Document 97-7225; page 13537, column 3) is corrected to read as follows:

§ 71.1 [Corrected]

* * * * *

AWP NV E5 Battle Mountain, NV [Corrected]

Battle Mountain Airport, NV
(Lat. 40°35'57" N, long. 116°52'28" W)
Battle Mountain VORTAC
(Lat. 40°34'09" N, long. 116°55'20" W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Battle Mountain Airport and within 4.3 miles southeast and 11.7 miles northwest of the Battle Mountain VORTAC 218° radial extending from the Battle Mountain VORTAC to 25 miles southwest of the VORTAC. That airspace extending upward from 1,200 feet above the surface within 8.7 miles southeast and 11.7 miles northwest of the Battle Mountain VORTAC 218° and 038° radials extending from 25 miles southwest to 10.4 miles northeast of the Battle Mountain VORTAC and within 5.6 miles south and 7.8 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 7 miles west to 16.1 miles east of the Battle Mountain VORTAC.

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Issued in Los Angeles, California, on April 2, 1997.

Sabra W. Kaulia,

Assistant Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97-9576 Filed 4-14-97; 8:45 am]

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