

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 Parts 92 and 98

[Docket No. 94-110-1]

Limited Ports; Denver, CO

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning importation of animals and animal germ plasm by removing Denver, CO, from the list of limited ports of entry for animals and animal products that do not require restraint or holding facilities. The port has handled few importations and no longer has the personnel required to effectively provide inspection services for this location.

DATES: Consideration will be given only to comments received on or before April 10, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94-110-1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 94-110-1. 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. David Vogt, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231; (301) 734-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 92 and 98 (referred to below as the regulations) restrict the importation of specified animals, animal products, and animal germ plasm into the United States to prevent the introduction of various animal diseases. The regulations designate limited ports of entry for germ plasm and certain animals and animal products, such as test specimens, that do not require restraint or holding facilities. Sections 92.102(d), 92.203(d), 92.303(d), 92.403(e), 92.503(e), and 98.33(d) of the regulations list the limited ports having inspection facilities for the importation of certain birds, poultry and poultry products, horses and horse products, ruminants and ruminant products, swine and swine products, and germ plasm, respectively.

Denver, CO, is currently listed in these sections as a limited port. However, due to staffing shortages in Denver, CO, the Animal and Plant Health Inspection Service (APHIS) cannot guarantee that personnel will be available on a regular basis to perform inspections required by the regulations. Further, within the past year, there have been few shipments of animals, animal products, or germ plasm arriving at the port in Denver, CO, for inspection. For these reasons, APHIS proposes to amend §§ 92.102(d), 92.203(d), 92.303(d), 92.403(e), 92.503(e), and 98.33(d) of the regulations by removing Denver, CO, as a limited port.

Executive Order 12866 and Regulatory Flexibility Act

This proposed 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.

Only certain animals and animal products from Canada and germ plasm have been imported into Denver, CO, during the past several years. Therefore, we believe that the primary impact of this proposal will be on importers of those animals and animal products from Canada and importers of animal germ plasm. These importers will no longer be able to import these articles through the Stapleton International Airport, which is located in Denver, CO. However, there have been few shipments of animals, animal products, or germ plasm imported through

Denver, CO, during the past year. After removing Denver, CO, as a limited port of entry, there are still many ports throughout the United States that will remain available as alternate ports, including over 20 limited ports. Because of the reasons provided above, we believe that removing Denver, CO, from the lists of limited ports will have little if any economic impact on importers or other entities, large or small. We do not anticipate any change in the volume or number of shipments of animals, animal products, or germ plasm entering the United States, or in the number of persons importing them, due to removing Denver, CO, as a limited port.

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 12778

This proposed rule has been reviewed under Executive Order 12778, 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.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 92

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

9 CFR Part 98

Animal diseases, Imports.

Accordingly, 9 CFR parts 92 and 98 would be amended as follows: