

this action will have a negative economic impact on the few existing export inspection facilities without drainage systems or 12 foot high ceilings in inspection areas for horses.

Information was not available to us for determining the economic impact of requiring that water drainage systems be installed in facilities not already so equipped. However, we are trying to minimize any economic impact by allowing these facilities 2 years from the effective date of the final version of this rule to install water drainage systems. Allowing these facilities 2 years to install the water drainage systems will ease the economic impact of this new standard, as affected facilities will have additional time to shop for different drainage system options and will be able to spread out the costs of installation. We did not receive any comments objecting to our requiring a water drainage system.

#### 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 12778

This rule has been reviewed under Executive Order 12778, 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 document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 91 is amended as follows:

#### PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

**Authority:** 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 136, 136a, 612, 613, 614, and 618; 46 U.S.C. 466a and 466b; 49

U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

#### § 91.3 [Amended]

2. In § 91.3, paragraph (a), the third sentence is amended by removing the phrase "sound, healthy," and adding the word "healthy" in its place.

3. Section 91.14 is amended as follows:

a. Paragraph (c)(2) is amended by adding a new sentence at the end of the paragraph to read as set forth below.

b. Paragraph (c)(4) is amended by adding three new sentences at the end of the paragraph to read as set forth below.

c. Paragraph (c)(5) is amended by adding the word "running," immediately following the phrase "An ample supply of" in the first sentence.

d. Paragraph (c)(11) is amended by adding a new sentence at the end of the paragraph to read as set forth below.

e. A new paragraph (c)(12) is added to read as set forth below.

#### § 91.14 Ports of embarkation and export inspection facilities.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \* Facilities that inspect horses must have ceilings at least 12 feet high in any areas where horses are inspected.

\* \* \* \* \*

(4) \* \* \* All facilities must have running water available to wash and disinfect the facilities. On and after March 23, 1995, facilities to be approved must have a drainage system; and, on and after March 23, 1997, every facility approved before March 23, 1995 must have a drainage system. The drainage system must control surface drainage into or from the facility in a manner that prevents any significant risk of livestock diseases being spread into or from the facility.

\* \* \* \* \*

(11) \* \* \* The facility must have a working telephone.

(12) *Walkways.* Facilities where horses are inspected must have walkways in front of horse stalls wide enough to allow APHIS personnel to safely remove horses from the stalls for inspection, if necessary.

#### § 91.15 [Amended]

8. In § 91.15, paragraph (a), the phrase "within 24 hours of embarkation" is added immediately following the phrase "shall be inspected".

Done in Washington, DC, this 14th day of February 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-4177 Filed 2-17-95; 8:45 am]

BILLING CODE 3410-34-P

#### 9 CFR Part 92

[Docket No. 94-097-2]

#### Horses From Spain; Change in Disease Status

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations concerning the importation of horses to remove Spain from the list of countries in which African horse sickness exists. We have determined that Spain is free of African horse sickness, and that restrictions on the importation of horses from Spain to prevent the spread of African horse sickness into the United States are no longer necessary. This action relieves unnecessary restrictions on the importation of horses from Spain.

**EFFECTIVE DATE:** March 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Cougill, Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Import/Export Products, 4700 River Road Unit 40, Riverdale, MD 20737-1231; (301) 734-7834.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 92 (referred to below as the regulations) state the provisions for the importation into the United States of specified animals to prevent the introduction of various animal diseases, including African horse sickness (AHS). AHS, a fatal equine viral disease, is not known to exist in the United States. Section 92.308(a)(2) of the regulations lists countries that the Animal and Plant Health Inspection Service (APHIS) considers affected with AHS, and sets forth specific requirements for horses which are imported from those countries. APHIS requires horses intended for importation from any of the countries listed, including horses that have stopped in or transited those countries, to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days.