

PART 1965—REAL PROPERTY

23. The authority citation for part 1965 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, and 42 U.S.C. 1480.

Subpart E—Prepayment and Displacement Prevention of Multi-Family Housing Loans**§1965.217 [Amended]**

24. Section 1965.217 is amended by revising the reference in paragraph (d)(2)(i)(B) to "FmHA or its successor agency under Public Law 103-354" to read "The Agency"; by removing paragraph (d)(2)(ii)(A), by redesignating paragraphs (d)(2)(ii)(B) through (D) as (d)(2)(ii)(A) through (C) respectively; by revising the reference in newly designated paragraph (d)(2)(ii)(B) to "FmHA or its successor agency under Public Law 103-354" to read "Agency;" by revising the reference in newly designated paragraph (d)(2)(C)(I) to "7 CFR parts 3015 and 3016" to read "7 CFR parts 3015, 3016 and 3019;" and by removing the reference in paragraph (d)(2)(iii)(A) to "FmHA or its successor agency under Public Law 103-354."

Dated: June 13, 1996.

Inga Smulkstys,

Deputy Under Secretary, Operations and Management.

[FR Doc. 96-19401 Filed 7-30-96; 8:45 am]

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Animal and Plant Health Inspection Service**9 CFR Part 92**

[Docket No. 96-052-1]

Horses From Mexico; Quarantine Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations regarding the importation of horses from Mexico to require that such horses be quarantined for not less than 7 days. We are also amending the regulations to provide that quarantine and inspection of all horses imported into the United States from Mexico through land border ports must be carried out in Mexico at facilities approved by the Administrator and constructed so as to prevent the entry of mosquitoes and other hematophagous insects. These requirements would help ensure that horses imported into the United States from Mexico are not

infected with Venezuelan equine encephalomyelitis and are necessary on an emergency basis to protect horses in the United States from the disease.

DATES: Interim rule effective July 26, 1996. Consideration will be given only to comments received on or before September 30, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-052-1, 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. 96-052-1. 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. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-3276.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in 9 CFR part 92 (referred to below as "the regulations") govern the importation into the United States of specified animals and animal products, including horses from Mexico, to prevent the introduction into the United States of various animal diseases.

Under the regulations prior to the effective date of this interim rule, horses from Mexico, except those imported for immediate slaughter, were required to be quarantined at a designated port until they (1) Tested negative to an official test for dourine, glanders, equine piroplasmiasis, and equine infectious anemia; (2) tested negative to such other tests that may have been required by the Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture; and (3) were found free from any communicable disease and fever-tick infestation upon inspection.

Recently, the government of Mexico reported that Venezuelan equine encephalomyelitis (VEE) has been detected in horses in that country. VEE is an equine viral disease, transmitted primarily by mosquitoes and other hematophagous (blood-feeding) insects, particularly flying insects, and results in a high mortality rate in animals infected with the disease. Its introduction into

the United States would pose a significant health risk to horses in this country.

Although tests exist for the presence of VEE in horses, the tests currently available may yield positive results for horses that have been vaccinated for VEE but are not otherwise affected with the disease. The most efficient method for initial identification of horses that may be infected with VEE is observation of the horses for clinical signs of the disease.

The clinical signs most commonly exhibited by horses affected by VEE are marked fever, depression, and incoordination, followed by death. A horse will usually exhibit signs of VEE within 2-5 days after contracting the disease.

Prior to the effective date of this interim rule, horses intended for importation into the United States from Mexico were not required to be held in quarantine for any specified number of days. This was in contrast to the 7-day quarantine period required for all other horses intended for importation into the United States from other places in the Western Hemisphere, except horses from Argentina, Bermuda, the British Virgin Islands, and Canada. The 7-day quarantine period for these other horses is necessary because VEE exists in the countries in question, and 7 days is the length of time necessary to ensure that any clinical signs of VEE manifest themselves. In order to ensure that horses imported from Mexico are likewise quarantined for a sufficient period of time, we are amending the regulations in § 92.308(a)(1) to provide that horses from Mexico must undergo the 7-day quarantine period required of certain other horses from the Western Hemisphere.

Horses Imported for Immediate Slaughter

Prior to the effective date of this interim rule, horses could be imported from Mexico for immediate slaughter without quarantine if they (1) were accompanied by a health certificate and were inspected and treated for cattle fever ticks at the port of entry; (2) were consigned from the port of entry to a recognized slaughtering establishment where they were slaughtered within 2 weeks from the date of entry; and (3) were moved from the port of entry in conveyances sealed with seals of the United States Government. These provisions were adequate to ensure that the horses were not infected with, and did not transmit, exotic equine diseases existing in Mexico, none of which were transmitted through flying insects.

Because VEE is transmitted primarily through flying insects, however, even horses moving to slaughter could potentially transmit the disease via mosquitoes and other vectors. Therefore, it is necessary to ensure that horses imported into the United States from Mexico that are moving to slaughter are not infected with VEE. We are therefore providing in § 92.326 that, in addition to meeting the previous requirements of that section (except as discussed below, under the heading "Location of Inspection and Quarantine Facilities"), horses intended for importation into the United States from Mexico for immediate slaughter must be quarantined for not less than 7 days.

Construction of Quarantine Facilities

Because flying insects had not been vectors of the exotic diseases of concern of horses imported into the United States from Mexico, the regulations did not require that the facilities used to quarantine horses imported into the United States from Mexico through land border ports be constructed so as to prevent the entry of these insects. As noted above, however, VEE is transmitted primarily by flying insects, particularly mosquitoes. If the quarantine facility were not required to be constructed to prevent the entry of hematophagous insects, a mosquito carrying the VEE virus could enter the facility during a quarantine period and bite a horse scheduled for imminent release from quarantine. The horse could then be released for entry into the United States before it had time to develop any clinical signs of VEE. Also, if hematophagous insects could get into the quarantine facility, and a horse infected with VEE were in the quarantine facility, a mosquito not previously carrying the VEE virus could enter, bite the infected horse, and leave the facility carrying the virus. Because these facilities are close to the U.S. border with Mexico, the mosquito could transmit the virus to horses in the United States. Therefore, we are amending the regulations in § 92.324 to require that horses intended for importation into the United States from Mexico through land border ports be quarantined at a facility in Mexico constructed so as to prevent the entry of mosquitoes and other hematophagous insects.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is

necessary to help ensure that horses imported into the United States from Mexico do not transmit VEE to horses in 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 it 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 amends the regulations regarding the importation of horses from Mexico because of VEE. This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) impracticable. This rule may have a significant economic impact on a substantial number of small entities. If we determine this is so, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Act 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 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 92

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

Accordingly, 9 CFR part 92 is amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 92.308 [Amended]

2. In § 92.308, paragraph (a)(1) is amended by removing the words "§§ 92.317 and 92.324" and adding in their place the words "§ 92.317".

§ 92.324 [Amended]

3. Section 92.324 is amended by removing the words "until they qualify from release from such quarantine, either at an APHIS facility designated in § 92.303(a) or at a facility in Mexico" and adding in their place the words "for not less than 7 days and until they qualify for release from such quarantine, either at an APHIS facility designated in § 92.303(a) or at a facility in Mexico approved by the Administrator and constructed so as to prevent the entry of mosquitoes and other hematophagous insects".

§ 92.326 [Amended]

5. In § 92.326, the first sentence is amended by removing the words "and 92.323" and adding in their place the words "92.323, and 92.324".

Done in Washington, DC, this 26th day of July 1996.

Donald W. Luchsinger,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–19477 Filed 7–30–96; 8:45 am]

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Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 96–020N]

Labeling of Sausages Made With Natural Casings

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of policy statement.

SUMMARY: FSIS is clarifying its policy on the labeling of meat or poultry sausages made with natural casings. The casings of such sausages must be derived from the animal species indicated by the product labeling. A sausage made with natural casings derived from a different