

Proposed Rules

Federal Register

Vol. 64, No. 167

Monday, August 30, 1999

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

7 CFR Part 318

[Docket No. 98-120-1]

Baggage Inspection for Domestic Flights From Puerto Rico and the U.S. Virgin Islands

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: The Animal and Plant Health Inspection Service is soliciting public comment on changes we are considering making to regulations requiring inspections of airline passenger baggage on domestic flights leaving Puerto Rico and the U.S. Virgin Islands. Currently, air passengers must offer their carry-on and check-in baggage for inspection prior to boarding any domestic flight from Puerto Rico or the U.S. Virgin Islands to other parts of the United States, except Guam. Baggage is inspected to ensure that it is free of unauthorized fruits, vegetables, or other material that could harbor plant pests. We are considering changing this practice by concentrating inspections on flights that stop or end in parts of the United States where the plant pests could become established and reducing inspection of baggage on other flights.

We will hold two public hearings to discuss the regulatory changes we are considering in this advance notice of proposed rulemaking.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by October 29, 1999. We also will consider comments made at two public hearings scheduled to be held in San Juan, PR, on October 5, 1999, and in Sacramento, CA, on October 7, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98-120-1, 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. 98-120-1.

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.

The public hearing in San Juan, PR, will be held at the Biblioteca Carnegie/Carnegie Library, Departamento de Educación/Department of Education, Avenue Ponce de Leon #7, San Juan, PR. The public hearing in Sacramento, CA, will be held at the Red Lion Inn-Sacramento, Comstock II Room, 1401 Arden Way, Sacramento, CA.

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

FOR FURTHER INFORMATION CONTACT: Mr. James F. Smith, Senior Operations Officer, Safeguarding and Pest Management, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737-1236; (301) 734-8295; fax: (301) 734-8584; or e-mail: Jim.F.Smith@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in "Subpart—Fruits and Vegetables from Puerto Rico or the Virgin Islands" (7 CFR 318.58 through 318.58-16, referred to below as the regulations) are designed to prevent the dissemination of plant pests, including diseases, from Puerto Rico or the U.S. Virgin Islands into other parts of the United States.

Currently, the regulations in § 318.58-10 require all air passengers to offer their carry-on and check-in baggage and other personal effects for inspection prior to boarding flights from Puerto Rico or the U.S. Virgin Islands to other parts of the United States, except Guam.

The purpose of the inspections is to ensure that the baggage does not contain any agricultural articles that could carry

plant pests, including diseases, to other parts of the United States. After inspecting and passing the baggage or personal effects, inspectors apply a United States Department of Agriculture (USDA) stamp, inspection sticker, or other identification to indicate that the baggage has been inspected and passed as required. The regulations prohibit airlines from accepting check-in baggage that has not been tagged.

New global trade patterns have resulted in increased agricultural imports into Puerto Rico and the U.S. Virgin Islands. More imports have increased the need for inspection of agricultural cargo, smuggling interdiction, and new pest monitoring activities. However, our current practice of requiring all air passengers on all flights from Puerto Rico and the U.S. Virgin Islands to offer their baggage for inspection prevents us from reallocating resources to other inspection and plant pest prevention activities. Current baggage inspection requirements also have created long lines and frustrated air passengers. As a result, we have reviewed our procedures to see if any changes might be appropriate.

As part of this review, we analyzed pest interception records from predeparture baggage inspections in San Juan, PR, during fiscal years 1994 through 1996. This analysis was conducted to determine whether the intercepted pests posed a risk to mainland United States agriculture generally or whether the risk was significant only if the pests were introduced into the southern United States. The analysis evaluated 36 pests and determined that intercepted plant pests in baggage from Puerto Rico pose a limited threat to agriculture in the northern United States. Cooler temperatures north of 38° latitude, especially from October 1 through April 30, effectively prevent the permanent establishment of tropical or subtropical plant pests and diseases in the northern United States. The analysis, titled "Hazard Identification Analysis; Evaluation of San Juan Predeparture Interceptions in Baggage FY 1994-96," is available for public review on the Internet at <http://www.usda.gov/ppq/ss/cobra/hazardsanjuan.html>. You may also request a copy from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The hazard identification analysis suggests that even if passenger baggage from Puerto Rico contained unauthorized fruits, vegetables, or other plant material and was carried into the northern United States, any plant pest in the baggage would present an insignificant risk. These conclusions are also applicable to passenger baggage from the U.S. Virgin Islands due to current practices that allow for the unrestricted movement of fruits, vegetables, or other plant material between Puerto Rico and the U.S. Virgin Islands. As a result, we are considering reducing baggage inspections on flights from Puerto Rico or the U.S. Virgin Islands that stop or end in the northern United States without a stop in the southern continental United States or Hawaii. However, because the climate on the west coast of the United States also could support populations of some pests of concern, we are considering ending mandatory inspection of baggage only for flights that will stop or end in parts of the continental United States east of 117° longitude and north of 38° latitude without a stop in either Hawaii or parts of the continental United States west of 117° longitude and south of 38° latitude. Roughly, the 38° latitude runs south of Washington and Baltimore on the east coast, south of Kansas City and Denver in the central United States, and south of Salt Lake City in the western United States. The 117° longitude corresponds to the State boundaries of Washington and Idaho in the northern United States and intersects the 38° latitude in south-central Nevada. This means that all carry-on and check-in baggage on flights from Puerto Rico and the U.S. Virgin Islands to California, Hawaii, Oregon, Washington, and the southern continental United States would continue to be inspected and tagged prior to departure. The inspection and tagging procedures for baggage on these flights are necessary to ensure that the baggage does not contain agricultural commodities that could carry plant pests from Puerto Rico or the U.S. Virgin Islands to other parts of the United States where the pests could become established.

For flights that do not stop in Hawaii or parts of the continental United States south of 38° latitude or west of 117° longitude, passengers would be required to offer baggage for inspection as directed by the local port director. The local port director could indicate whether passengers on a particular flight needed to offer baggage for inspection by posting signs in the airport departure terminal. The port director would use a random sampling

method or risk-based criteria to select specific flights for inspection. The risk-based criteria would include: Seasonal conditions in the area where the flight would stop (e.g. if a flight would stop in an area where summer weather and available host material could support a local, temporary infestation); detection of pests not considered in the hazard identification analysis (e.g. outbreaks of new pests or diseases of plants or animals in Puerto Rico, the U.S. Virgin Islands, or neighboring islands); and monitoring data that indicates that air passengers may board connecting flights for continental United States destinations south of 38° latitude, west of 117° longitude, or Hawaii. This change in procedures would provide local port directors with the discretion to redirect resources and focus inspection efforts on higher risk activities. However, passengers leaving Puerto Rico or the U.S. Virgin Islands for any domestic destination would continue to be informed about fruits and vegetables and other materials prohibited in baggage, and the periodic inspections of baggage on flights to locations east of 117° longitude and north of 38° latitude would deter passengers from carrying this material in their baggage.

If we adopted the changes just described, we would also need to change our current requirements for tagging check-in baggage. As noted earlier, the regulations prohibit airlines from accepting check-in baggage that has not been tagged as inspected. We would maintain this requirement only for check-in baggage on flights that would stop or end in Hawaii or a place in the continental United States south of 38° latitude or west of 117° longitude. Check-in baggage on other domestic flights would not always be inspected.

Comments are invited on these potential changes to our procedures for inspecting passenger baggage. In particular, we are soliciting comments on the following questions:

1. Does the hazard identification analysis of predeparture baggage from San Juan, PR, adequately address plant pest risk associated with passenger baggage from Puerto Rico?

2. Does the hazard identification analysis of predeparture baggage from San Juan, PR, adequately address plant pest risk associated with passenger baggage from the U.S. Virgin Islands?

3. Does passenger baggage from Puerto Rico or the U.S. Virgin Islands present a risk of carrying agricultural commodities that confer risks to agriculture other than plant pests risks (e.g. noxious weeds, animal pests or diseases)?

Public Hearings

In addition to accepting written comments, we will hold two public hearings to discuss the regulatory changes under consideration in this advance notice of proposed rulemaking. One public hearing will be held on October 5, 1999, at the Biblioteca Carnegie/Carnegie Library, Departamento de Educación/ Department of Education, Avenue Ponce de Leon #7, San Juan, PR. The second hearing will be held on October 7, 1999, at the Red Lion Inn-Sacramento, Comstock II Room, 1401 Arden Way, Sacramento, CA.

A representative of APHIS will preside at the public hearings. Any interested person may appear and be heard in person, by attorney, or by other representative. Persons who wish to speak at the public hearings will be asked to sign in, listing their names and organizations.

The public hearings will begin at 9 a.m. local time and are scheduled to end at 5 p.m. local time. However, the hearings may be terminated at any time after they begin if all persons desiring to speak have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. If the number of speakers at the hearing warrants, the presiding officer may limit the time for each presentation so that everyone wishing to speak has the opportunity.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, and 167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 23rd day of August, 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-22447 Filed 8-27-99; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-157-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon (Beech) Model 400A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to