

pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR part 29.1-29.3). On November 9, 1994, a public hearing was held in Kingstree, South Carolina, pursuant to the regulations. A Review Committee, established pursuant to § 29.3(h) of the regulations (7 CFR 29.3 (h)), has reviewed and considered the application, the testimony presented at the hearing, the exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on January 20, 1995.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during the period of February 6-10, 1995. The purpose of the referendum is to determine whether farmers who sold their tobacco on the designated markets at Kingstree and Hemingway are in favor of, or opposed to, the designation of the consolidated market for the 1995 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor this consolidation, a new market will be designated as and will be called Kingstree-Hemingway.

To be eligible to vote in the referendum a tobacco producer must have sold flue-cured tobacco on either the Kingstree and Hemingway, South Carolina, auction markets during the 1994 marketing season. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by February 6, 1995, should immediately contact Larry L. Crabtree at (202) 205-0235.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: January 27, 1995.

**Lon Hatamiya,**

*Administrator.*

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## Animal and Plant Health Inspection Service

### 9 CFR Part 94

[Docket No. 94-107-1]

### Switzerland; Change in Disease Status

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to declare Switzerland free of rinderpest, foot-and-mouth disease, and Exotic Newcastle disease (VVND). As part of this proposed action, we would add Switzerland to the lists of countries that, although declared free of rinderpest, foot-and-mouth disease, and VVND, are subject to restrictions on meat and other animal products offered for importation into the United States. Declaring Switzerland free of rinderpest, foot-and-mouth disease, and VVND appears to be appropriate because the last outbreak of rinderpest in Switzerland occurred in 1871, there have been no outbreaks of foot-and-mouth disease in Switzerland since 1980, and there have been no outbreaks of VVND in commercial production since 1989. This proposed rule would remove the prohibition on the importation into the United States, from Switzerland, of ruminants and fresh, chilled, and frozen meat of ruminants, although those importations would be subject to certain restrictions. This proposed rule would also relieve certain prohibitions and restrictions on the importation, from Switzerland, of milk and milk products of ruminants and of certain poultry and poultry products.

**DATES:** Consideration will be given only to comments received on or before April 3, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. Please state that your comments refer to Docket No. 94-107-1. 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. Kathleen Akin, Senior Staff Veterinarian, Import-Export Products Staff, National Center for Import-Export, Veterinary Services, APHIS, USDA, P.O.

Drawer 810, Riverdale, MD 20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January. Telephone: (301) 436-7830 (Hyattsville); (301) 734-7830 (Riverdale).

### SUPPLEMENTARY INFORMATION:

#### Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), and Exotic Newcastle disease (VVND). FMD and rinderpest are dangerous and destructive communicable diseases of ruminants and swine. VVND is a contagious, infectious, and communicable disease of poultry.

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world except those listed in § 94.1(a)(2), which have been declared to be free of both diseases. Section 94.6(a)(1) of the regulations provides that VVND exists in all countries of the world except those listed in § 94.6(a)(2), which have been declared to be free of VVND. We will consider declaring a country to be free of rinderpest, FMD, and VVND if there have been no reported cases of the diseases in that country for at least the previous 1-year period and no vaccinations for rinderpest, FMD, or VVND have been administered to swine, ruminants, or poultry in that country for at least the previous 1-year period.

The last outbreak of rinderpest in Switzerland occurred in 1871. There have been no outbreaks of FMD in Switzerland since 1980, and there have been no vaccinations for FMD in Switzerland since January 1991. There have been no outbreaks of VVND in commercial production since 1989. There was an isolated case this year which occurred in a backyard flock and is unrelated to the commercial poultry industry. Backyard flocks are owned by families for their personal consumption and are separate from commercial production. This case included a flock of 6 birds located in a remote valley in the Swiss Alps. Based on these considerations, the government of Switzerland has requested that the United States Department of Agriculture (USDA) declare Switzerland free of FMD, rinderpest, and VVND.

The Animal and Plant Health Inspection Service (APHIS) reviewed

the documentation submitted by the government of Switzerland in support of its request, and a team of APHIS officials travelled to Switzerland in 1994 to conduct an on-site evaluation of the country's animal health program with regard to the rinderpest, FMD, and VVND situation in Switzerland. The evaluation consisted of a review of Switzerland's veterinary services, laboratory and diagnostic procedures, vaccination practices, and administration of laws and regulations intended to prevent the introduction of rinderpest, FMD, and VVND into Switzerland through the importation of animals, meat, or animal products. The APHIS officials conducting the on-site evaluation concluded that Switzerland is free of rinderpest, FMD, and VVND. (Details concerning the on-site evaluation are available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**)

Therefore, based on the information discussed above, we are proposing to amend § 94.1(a)(2) by adding Switzerland to the list of countries declared to be free of both rinderpest and FMD. We are also proposing to amend § 94.6(a)(2) by adding Switzerland to the list of countries declared to be free of VVND. These proposed actions would remove the prohibition on the importation, from Switzerland, of ruminants and fresh, chilled, and frozen meat of ruminants, and would relieve restrictions on the importation, from Switzerland, of milk and milk products of ruminants and of poultry and poultry products. However, because Switzerland has not been declared free of hog cholera, the importation into the United States, from Switzerland, of pork and pork products would continue to be restricted under § 94.9 of the regulations, and the importation of swine from Switzerland would continue to be prohibited under § 94.10. Because Switzerland has not been declared free of bovine spongiform encephalopathy (BSE), the importation into the United States, from Switzerland, of ruminant meat and edible products from ruminants would continue to be restricted under § 94.18 of the regulations. Also, for the reasons discussed below, we would make the importation of the meat and other animal products of ruminants or swine from Switzerland subject to the restrictions contained in § 94.11.

We are proposing to amend § 94.11(a) by adding Switzerland to the list of countries that have been declared free of rinderpest and FMD but from which the importation of meat and other animal products is restricted. The countries listed in § 94.11(a) are subject to these

restrictions because they: (1) Supplement their national meat supply by importing fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) as infected with rinderpest or FMD; (2) have a common land border with a country designated as infected with rinderpest or FMD; or (3) import ruminants or swine from countries designated as infected with rinderpest or FMD under conditions less restrictive than would be acceptable for importation into the United States.

Switzerland supplements its national meat supply by the importation of fresh, chilled, and frozen meat of ruminants and swine from countries designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. In addition, Switzerland has common land borders with Austria, France, Germany, and Italy. Italy is designated in § 94.1(a)(1) as a country in which rinderpest or FMD exists. As a result, even though Switzerland appears to qualify for designation as a country free of rinderpest and FMD, there is the potential that meat or other animal products produced in Switzerland may be commingled with the fresh, chilled, or frozen meat of animals from a country in which rinderpest or FMD exists. This potential for commingling constitutes an undue risk of introducing rinderpest or FMD into the United States.

Therefore, we are proposing that meat and other animal products of ruminants or swine, as well as the ship stores, airplane meals, or baggage containing such meat or other animal products, offered for importation into the United States from Switzerland be subject to the restrictions specified in § 94.11 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service at 9 CFR chapter III. Section 94.11 generally requires that the meat and other animal products of ruminants or swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certification from a full-time salaried veterinary official of the national government of the exporting country, stating that the meat or other animal product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country infected with rinderpest or FMD.

### **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.

This proposed rule, if adopted, would amend the regulations in part 94 by adding Switzerland to the list of countries declared to be free of rinderpest and FMD and to the list of countries declared free of VVND. This action would remove the prohibition on the importation into the United States, from Switzerland, of ruminants and poultry and fresh, chilled, and frozen meat of ruminants and poultry, although those importations would be subject to certain restrictions. This proposed revision would also relieve restrictions on the importation, from Switzerland, of milk and milk products of ruminants. This action would not relieve certain restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from Switzerland because Switzerland is still considered to be affected with hog cholera. Similarly, this action would not relieve certain restrictions on the importation from Switzerland, of ruminant meat and edible products from ruminants because BSE exists in Switzerland.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants or poultry from Switzerland into the United States as a result of this proposed rule.

The primary effects due to the proposed change in the regulations would be limited to bovine meat and prepared products, since swine and swine products are excluded because of restrictions due to hog cholera, live cattle and breeding material are excluded due to BSE, and there is no sheep, lamb, or goat production in Switzerland (USDA, National Agricultural Statistics Service (NASS), "Agricultural Statistics," 1993). Commencement of such production is not expected due to the proposed regulation change. The impact of increased beef imports resulting from the proposed regulation changes would likely be minimal because the cattle industry in Switzerland is relatively small and high cost compared to the United States domestic market. Cattle inventories in Switzerland were estimated to be about 1.78 million head in 1993, while U.S. inventories were over 101 million head in 1993 (USDA, Foreign Agricultural Service, Switzerland's Annual Livestock Report,

August 8, 1994 and USDA, NASS, "Agricultural Statistics," 1993).

Due to current APHIS restrictions, the United States does not import any uncooked meat or meat products from Switzerland. Total meat production in the United States in 1992 was just under 18.587 million metric tons, while Swiss meat production in 1992 reached approximately 429,000 metric tons, about 2.3 percent of the United States total (USDA, National Agricultural Statistics Service, "Agricultural Statistics," 1993). Therefore, even if Switzerland exported a significant portion of its meat production exclusively to the United States, which is unlikely, the effect of those exports on United States domestic prices or supplies would be negligible.

As with the ruminants and meat products discussed above, the Department does not anticipate a major increase in exports of milk and milk products from Switzerland into the United States as a result of this proposed rule. The importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Although the importation of casein into the United States is not regulated by quotas, world prices of casein are competitively set. The United States does not produce casein, but does import more than half of the casein produced in the world. The regulations currently allow casein and other caseinates to be imported into the United States from countries where rinderpest or FMD exists if the importer has applied for and obtained written permission from the Administrator. The United States did not import any casein from Switzerland in 1993 (USDA, Economic Research Service (ERS), "Foreign Agricultural Trade of the United States: Calendar Year 1993 Supplement," 1993). Declaring Switzerland free of rinderpest and FMD, thus removing the requirement for written permission from the Administrator, is not expected to have any effect on the amount of casein imported into the United States from Switzerland because the current restrictions do not substantially impede imports.

Imports of poultry and poultry products into the United States from Switzerland in 1992 and 1993 fell into two categories: live poultry and feathers and down. Total live poultry imports into the United States were valued at \$14.4 million and \$14.5 million in 1992 and 1993, respectively. United States live poultry imports from Switzerland were valued at \$67 thousand and \$74 thousand in 1992 and 1993, respectively, about 0.5 percent of the

total imports. Total United States imports of feathers and down were valued at \$84 million and \$60.1 million in 1992 and 1993, respectively. United States imports of feathers and down from Switzerland were valued at \$1.2 million and \$0.41 million in 1992 and 1993, respectively, less than 1.5 percent of the total imports (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1993 Supplement," 1993). Also, Switzerland is dependent on imports for over 50 percent of domestic poultry consumption. Consequently, proposed changes in current regulations concerning VVND are not expected to result in increased exports to the United States.

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 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 would be amended as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 would continue 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, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

#### § 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) would be amended by adding "Switzerland," immediately after "Sweden,".

#### § 94.6 [Amended]

4. In § 94.6, paragraph (a)(2) would be amended by removing "and Sweden." and adding "Sweden, and Switzerland." in its place.

#### § 94.11 [Amended]

5. In § 94.11, paragraph (a), the first sentence would be amended by removing "and Sweden," and adding "Sweden, and Switzerland," in its place.

Done in Washington, DC, this 27th day of January 1995.

**Terry L. Medley,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM-105, Notice No. SC-95-1-NM]

#### **Special Conditions: Saab Aircraft AB Model Saab 2000 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This notice proposes special conditions for the Saab Aircraft AB Model Saab 2000 airplane. This airplane will have novel and unusual design features, relating to its electronic flight control system, when compared to the state of technology envisioned in the airworthiness standards of part 25 of the Federal Aviation Regulations (FAR). This notice contains the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that provided by the airworthiness standards of part 25.

**DATES:** Comments must be received on or before March 6, 1995.

**ADDRESSES:** Comments may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate (ANM-100), Attn: Docket No. NM-105, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked