

Cattle Diseases and Surveillance Staff, 4700 River Road Unit 36, Riverdale, MD 20737-1231; (301) 734-8715.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 9, 1994, we published in the **Federal Register** (59 FR 23810-23817, Docket No. 93-014-1) a proposed rule to amend the regulations in 9 CFR parts 50, 77, and 92 to require certain steers and spayed heifers imported into the United States from Mexico to be sent to a quarantined pasture or feedlot for finish feeding, or to holding facility for quarantine and a 60-day postentry tuberculin test. The proposed rule also contained provisions to deny claims for indemnity for Mexican-origin steers or spayed heifers that tested positive to the 60-day post entry tuberculin test, and to deny claims for indemnity for cattle that were exposed to such animals.

We initially solicited comments on the proposed rule for 60 days ending on July 8, 1994. We received several requests for an extension of the comment period to allow interested parties additional time to prepare comments on the proposal. In response to those requests, we published a notice in the **Federal Register** on July 18, 1994 (59 FR 36374, Docket No. 93-014-2) that reopened and extended the comment period for the proposed rule until September 16, 1994.

By the close of the extended comment period, we had received a total of 165 comments. The comments were submitted by representatives of the Mexican Government, animal rights organizations, private citizens, dairies and dairy associations, U.S. and Mexican tuberculosis eradication committees, cattle industry associations, a bank, cattle companies, feedlot operators, veterinary and animal health associations, State agriculture agencies and livestock boards, cattle importers and exporters, a farm bureau federation, government and private veterinarians, ranchers, and universities. None of the commenters supported the proposed rule as written; some offered general suggestions, while others submitted detailed recommendations for changes.

The majority of the commenters believed that the proposed rule would adversely affect the cattle industry and efforts to control tuberculosis in both the United States and Mexico. Many commenters believed that the proposed rule placed the burden of controlling potentially infected Mexican cattle on individual States and failed to provide any incentive to Mexican cattle producers to develop and implement a comprehensive tuberculosis control and

eradication program. Other commenters also cited the potential hardship that the proposed rule would place on U.S. and Mexican cattle producers.

After considering all the comments we received, we have concluded that it is necessary to comprehensively reexamine the issues associated with the importation into the United States of cattle from Mexico. Therefore, we are withdrawing the May 9, 1994, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered during the development of any new proposed regulations regarding the importation of cattle from Mexico.

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111-113, 114, 114a, 114a-1, 115-117, 120, 121, 125, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 13th day of February 1995.

**Lonnie J. King,**

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

[FR Doc. 95-4180 Filed 2-17-95; 8:45 am]

BILLING CODE 3410-34-M

#### 9 CFR Part 71

[Docket No. 93-084-3]

##### Interstate Movement of Mexican-Origin Cattle; Certification Requirements

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have amended the regulations concerning the interstate transportation of animals to require that all Mexican-origin cattle moved in interstate commerce be accompanied by a certificate on which each animal is individually identified. We are taking this action after reevaluating the proposed rule in light of the comments we received following the publication of the proposed rule.

**DATES:** The proposed rule is withdrawn February 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. James P. Davis, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Cattle Diseases and Surveillance Staff, 4700 River Road Unit 36, Riverdale, MD 20737-1231; (301) 734-4923.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 12, 1993, we published in the **Federal Register** (58 FR 59959-59962, Docket No. 93-084-1) a proposal

to amend the regulations concerning the interstate transportation of animals in 9 CFR part 71 to require all Mexican-origin cattle moved in interstate commerce to be accompanied by a certificate on which each animal is individually identified. The certificate would have been issued by an Animal and Plant Health Inspection Service (APHIS) representative, State representative, or accredited veterinarian in the State from which the cattle were to be moved. We also proposed to make several nonsubstantive changes to the regulations in part 71 for the sake of clarity and accuracy.

We initially solicited comments concerning our proposal for 30 days ending December 13, 1993. We received several requests for an extension of the comment period to give interested parties additional time to prepare comments on the proposal. In response to those requests, we published in the **Federal Register** on December 22, 1993 (58 FR 67708-67709, Docket No. 93-084-2), a document reopening and extending the comment period until February 14, 1994.

We received a total of 41 comments by the close of the extended comment period. The comments were submitted by State departments of agriculture and animal health agencies, veterinarians, private citizens, cattle industry associations, cattle-oriented businesses, and a member of the U.S. House of Representatives. Eight commenters supported the proposed rule as written, while another five commenters offered some support but suggested changes. The remaining 28 commenters opposed the proposed rule.

Some of the commenters questioned the need for individual identification on a certificate, asserting that State veterinarians could be notified by other means of the arrival of Mexican-origin cattle in their States. Many commenters believed that the proposed rule would place a huge new burden on the cattle industry, bringing excessive paperwork requirements, increased labor costs, and expensive time delays. Many of the commenters also believed that APHIS had seriously underestimated the costs that would be associated with completing, handling, and filing the certificates on which the cattle would be individually identified.

We carefully considered all of the comments we received. In light of the issues raised by many of the commenters, we have concluded that additional research is necessary to determine if the proposed rule would likely impose greater logistical and financial burdens on those entities that

would be affected by its provisions than we had initially anticipated. Therefore, we are withdrawing the November 12, 1993, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered during the development of any new proposed regulations that would affect the interstate movement of Mexican-origin cattle.

**Authority:** 21 U.S.C. 111-113, 114a, 114a-1, 115-117, 120-126, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 13th day of February 1995.

**Lonnie J. King,**

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

[FR Doc. 95-4179 Filed 2-17-95; 8:45 am]

BILLING CODE 3410-34-P

## 9 CFR Part 94

[Docket No. 94-058-1]

### Importation of Wild Turkey Carcasses

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations concerning imported animal products to allow wild turkey carcasses from countries where Exotic Newcastle disease is considered to exist to be brought into the United States if the head, feet, and viscera of the wild turkeys have been removed. Currently, wild turkey carcasses must be cooked before they may be imported. However, we have determined that wild turkey carcasses, once the head, feet, and viscera have been removed, may be imported into the United States without risk of introducing disease. This proposed change in the regulations would reduce restraints on hunters who wish to bring wild turkey carcasses into the United States.

**DATES:** Consideration will be given only to comments received on or before April 24, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 94-058-1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1238. 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. John Gray, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Import/Export Products, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-7885.

#### 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, birds, and poultry, and animal, bird, and poultry products to prevent the introduction into the United States of various diseases of livestock and poultry.

Currently, the regulations in § 94.6(c)(3), (c)(4), and (c)(5) require that carcasses, and parts or products of carcasses, of poultry, game birds, or other birds, may be imported from countries where exotic Newcastle disease (VVND) is considered to exist only under certain conditions.

VVND is considered to exist in Mexico. Hunters have requested that they be allowed to return to the United States from Mexico with fresh killed turkey. Currently, the regulations require that turkeys from Mexico and other countries where VVND is considered to exist be cooked, packed in hermetically sealed containers and cooked, or imported under a permit. However, the regulations provide that game birds (defined in § 94.0 as "Migratory birds, including certain ducks, geese, pigeons, and doves") may be imported without cooking or permit if they have been eviscerated, and the heads and feet have been removed. When the turkeys are cooked for later consumption, any VVND virus in the meat will be destroyed. Viscera, heads, and feet for these game birds may not be imported into the United States, since VVND may be spread by these parts. The Animal and Plant Health Inspection Service (APHIS) has determined that turkeys may also be imported without presenting any significant disease risk if the head, feet, and viscera of the turkey are removed before the carcass is presented for entry into the United States.

We propose, therefore, to add wild turkeys to the definition of game birds in § 94.0, and to allow wild turkey carcasses with heads, feet, and viscera removed to be imported from countries where VVND is considered to exist without further restriction. We also propose to amend the definition of poultry in § 94.0 to clarify that, when

turkey is commercial, domestic, or pen-raised, it would be poultry under the regulations (as opposed to a wild turkey, which would be a game bird).

#### Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule change would affect individual hunters who bring wild turkey carcasses into the United States from countries where VVND exists. This would primarily involve individuals who hunt wild turkeys in Mexico, since we are not aware of any significant interest in bringing wild turkey carcasses into the United States from other countries where VVND exists. Most hunters from the United States who hunt wild turkey in Mexico hunt the Gould turkey (a subspecies not found in the United States) or the Rio Grande turkey. It is estimated that between 50 and 100 wild turkey carcasses are brought into the United States from Mexico annually, by less than 50 U.S. hunters. There are a minimal number of small businesses that assist U.S. hunters in booking Mexican guides for these turkey-hunting trips, and booking the trips is only a minor part of their business.

Currently, hunters must cook the wild turkey carcasses before bringing them into the United States from Mexico. This proposed rule would give hunters the option of not cooking the wild turkeys if they remove the head, feet, and viscera. We do not anticipate a significant increase in the number of either U.S. hunters of wild Mexican turkeys, or wild turkey carcasses imported into the United States, as a result of this proposed rule.

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.