

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF DEPORTATION

19. The authority citation for part 208 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1158, 1226, 1252, 1252 note, 1252B, 1253, and 1283.

20. In § 208.19, paragraph (a) is revised to read as follows:

§ 208.19 Motion to reopen or reconsider.

(a) A proceeding in which asylum or withholding of deportation was denied may be reopened or a decision from such a proceeding reconsidered for proper cause upon motion pursuant to the requirements of 8 CFR 3.2, 3.23, 103.5, and 242.22 where applicable.

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PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

21. The authority citation for part 242 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1252 note, 1252b, 1254, 1362; 8 CFR part 2.

22. In § 242.21, paragraph (a) is revised to read as follows:

§ 242.21 Appeals.

(a) Pursuant to part 3 of this chapter, and appeal shall lie from a decision of an Immigration Judge to the Board, except that no appeal shall lie for an order of deportation or exclusion entered in absentia. The procedures regarding the filing of a Notice of Appeal (Form EORI-26), fees, and briefs are set forth in §§ 3.3, 3.31, and 3.38 of this chapter. An appeal shall be taken within 20 calendar days after the mailing of a written decision, or 15 calendar days after the mailing of a written decision, or 15 calendar days after the stating of an oral decision, or the service of a summary decision on Form I-38 or Form I-39. The reasons for the appeal shall be stated in the Notice of Appeal, Form EOIR-26, in accordance with the provisions of § 3.3(b) of this chapter. Failure to do so may constitute a ground for dismissal of the appeal by the Board pursuant to § 3.1(d)(1-a) of this chapter.

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23. Section 242.22 is amended by revising the first sentence and by adding a sentence at the end, to read as follows:

§ 242.22 Reopening or reconsideration.

Motions to reopen or reconsider are subject to the requirements and limitations set forth in § 3.23 of this

chapter. * * * The filing of a motion to reopen pursuant to the provisions of § 3.23(b)(5) of this chapter shall stay the deportation of the alien pending the disposition of the motion and the adjudication of any properly filed administrative appeal.

Dated: April 25, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95-11002 Filed 5-8-95; 8:45 am]

BILLING CODE 153-126-GF-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 91-071-1]

Importation of Hedgehogs and Tenrecs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the animal importation regulations to prohibit the importation of hedgehogs or tenrecs into the United States from countries affected by foot-and-mouth disease. Additionally, we are proposing to impose certain restrictions on the importation of hedgehogs or tenrecs into the United States from countries declared free of foot-and-mouth disease. We believe these actions are necessary to prevent the introduction of foot-and-mouth disease and other communicable animal diseases into the United States. **DATES:** Consideration will be given only to comments received on or before July 10, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 91-071-1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 91-071-1. 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. Keith Hand, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Import-Export Animals Staff, 4700 River Road

Unit 39, Riverdale, MD 20737-1231, (301) 734-5097.

SUPPLEMENTARY INFORMATION:

Background

The animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations) prohibit or restrict the importation of certain animals and birds into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart G of part 92 prohibits the importation of brushtail possums and hedgehogs from New Zealand.

Foot-and-mouth disease (FMD) is an acute, highly contagious viral disease of cloven-footed animals, causing fever and blisters in the mouth and around the hoofs. These blisters result in loss of weight, due to the animal's inability to eat; the blisters may permanently deform the animal's feet. The high morbidity rate of cattle affected with FMD results in severe production losses, highlighting the economic importance of this disease. Estimates indicate that an outbreak of FMD in the United States could cost in excess of \$1 billion.

Published research obtained by the Animal and Plant Health Inspection Service (APHIS) indicates that certain animals of the order Insectivora, including the family Erinaceidae (hedgehogs), may harbor the FMD virus. Animals of the family Tenrecidae (tenrecs) are often referred to as the Madagascar hedgehog, and are similar to hedgehogs in appearance and behavior. Given these similarities, we believe tenrecs may also be capable of harboring this virus and transmitting it to other animals. Currently, there are no tests or treatments for FMD in hedgehogs or tenrecs. Therefore, we are proposing to amend part 92 to prohibit the importation of hedgehogs and tenrecs into the United States from countries where FMD exists to prevent the introduction of FMD into the United States.

Further, research and APHIS' experience with hedgehogs and tenrecs indicates that these animals present a significant risk of carrying ectoparasites (for example, ticks, mites, and lice). Certain ticks spread East coast fever, heartwater, African swine fever, and other exotic diseases of livestock. Both hedgehogs and tenrecs are hosts to the type of ticks that carry these diseases, which do not exist in the United States. Therefore, we also propose to amend part 92 to impose certain restrictions on the importation of hedgehogs or tenrecs from countries declared free of FMD, including requirements for inspection and treatment for ectoparasites.

The proposed amendments to part 92 concerning hedgehogs and tenrecs would be placed in subpart G. Specific provisions are discussed below.

Definitions

Section 92.700 provides definitions for the convenience of the public. We are proposing to add the following terms: "Administrator," "Animal and Plant Health Inspection Service," "Delivery," "Enter," "Import," "Inspector," "Person," and "Tenrec." These definitions are provided for informational purposes and, for certain terms, consistency with the same definitions found elsewhere in the regulations.

Prohibitions

Section 92.701 prohibits the importation of brushtail possums and hedgehogs from New Zealand into the United States. We are proposing to amend this section to add a provision prohibiting the importation of hedgehogs and tenrecs from any country where FMD exists. This prohibition appears to be necessary to help prevent the introduction of FMD into the United States.

Restrictions

We propose to add a new § 92.702 to provide that hedgehogs and tenrecs not prohibited from importation under § 92.701 may not be imported into the United States unless they meet the provisions of subpart G.

Ports of Entry

Proposed § 92.703 designates ports through which hedgehogs or tenrecs from countries declared free of FMD may be imported into the United States. Proposed § 92.703(a)(1) lists the following air and ocean ports: Anchorage and Fairbanks, AK; San Diego and Los Angeles, CA; Denver, CO; Jacksonville, Miami, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Honolulu, HI; Chicago, IL; New Orleans, LA; Portland, ME; Baltimore, MD; Boston, MA; Minneapolis, MN; Great Falls, MT; Newburgh, NY; Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

Proposed § 92.703(a)(2) lists the following Canadian border ports: Eastport, ID; Houlton and Jackman, ME; Detroit, Port Huron, and Sault Ste. Marie, MI; Opheim, Raymond, and Sweetgrass, MT; Alexandria Bay, Buffalo, and Champlain, NY; Dunseith, Pembina, and Portal, ND; Derby Line and Highgate Springs, VT; Blaine, Lynden, Oroville, and Sumas, WA.

Proposed § 92.703(a)(3) lists the following Mexican border ports: Douglas, Naco, Nogales, Sasabe, and San Luis, AZ; Calexico and San Ysidro, CA; Antelope Wells, and Columbus, NM; and Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, TX.

Proposed § 92.703(b) provides for special instances when other ports may need to be designated for importation. In special cases, the Administrator may designate, with the Secretary of the Treasury's agreement, other ports as inspection stations under this section.

These ports have adequate facilities for inspection of the hedgehogs and tenrecs and could ensure the availability of inspectors to perform the necessary services.

Import Permit

Proposed § 92.704(a) provides general requirements for the importation of hedgehogs or tenrecs into the United States. These requirements include accompaniment by an import permit; importation within 30 days after the proposed date of arrival stated in the import permit; and notification to the APHIS inspector, at the address or telephone number provided on the import permit, of the date of arrival at least 72 hours before the hedgehogs or tenrecs arrive in the United States. These time periods would allow APHIS sufficient time to plan for the animals' arrival and to arrange for inspection of the hedgehogs or tenrecs. The import permit would help ensure that the requirements for importing hedgehogs or tenrecs are understood and met by the importer.

Proposed § 92.704(b) provides information on how to obtain an import permit. Applications for import permits may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, Import/Export Animals Staff, 4700 River Road Unit 39, Maryland 20737-1231. This proposed section requires any person desiring to import hedgehogs or tenrecs into the United States to complete and submit one copy of an application (VS Form 17-129) for an import permit to the above address. An application for an import permit must be submitted for each shipment of hedgehogs or tenrecs.

Proposed § 92.704(c) specifies what information to include on the application for an import permit. It requires the application to include the name and address of the shipper in the country of origin; the names, addresses, and telephone numbers of the importer and the person intending to take delivery of the hedgehogs or tenrecs in the United States; the ports of

embarkation and arrival; the country from which the hedgehogs or tenrecs will be shipped to the United States; the mode of transportation (airplane, boat, car, etc.) to be used to ship the hedgehogs or tenrecs to the United States; the number, breed, species, and descriptions (sex; age; registered name and number, if any; tattoo, if any; tag number, if any; other markings) of the hedgehogs or tenrecs to be imported; the purpose of the importation; the route of travel, including all carrier stops enroute; the proposed shipping and arrival dates; the location of the place where delivery of the hedgehogs or tenrecs will be made in the United States (from the port of arrival); and any remarks the importer may wish to make regarding the shipment. The information required for completion of an application would help APHIS to determine whether the animals appear eligible for importation, to respond to an applicant, to identify the animals at the port of entry, to ensure that inspectors and facilities are available for inspection in the United States, and to contact appropriate persons if any questions arise concerning the importation.

Proposed § 92.704(d) explains what happens after we receive and review the application for an import permit. This proposed section provides that if the hedgehogs or tenrecs appear eligible to be imported, an import permit will be issued. This section also specifies that an import permit does not guarantee that any hedgehogs or tenrecs will be allowed entry into the United States; the hedgehogs or tenrecs will be allowed to enter the United States only if they meet all applicable requirements of subpart G. The requirements of this proposed section appear necessary to help prevent the introduction of communicable animal diseases into the United States.

Health Certificate

Proposed § 92.705(a) requires that a health certificate accompany all hedgehogs or tenrecs offered for entry into the United States. Additionally, this proposed section requires that the health certificate be issued by a full-time salaried veterinary officer of the national government of the exporting country, or issued by a veterinarian authorized or accredited by the national government of the exporting country and endorsed by a full-time salaried veterinary officer of the national government of that country. These requirements would help ensure that the veterinarian who issues the health certificate is authorized to do so. This proposed section also requires that the health certificate contain the names and street addresses of the consignor and

consignee. The names and addresses of the consignor and consignee would allow APHIS to contact appropriate persons if any questions arise concerning the importation.

Further, proposed § 92.705(a) requires specific information and certifications to be included on the health certificate. Paragraphs (a)(1) through (a)(7) of proposed § 92.705 provide that the veterinarian issuing the health certificate must certify on the health certificate that—(1) The hedgehog or tenrec originated in a country that has been declared free of FMD; (2) the hedgehog or tenrec has never been in a country where FMD exists; (3) the hedgehog or tenrec has not been commingled with any other hedgehog or tenrec that originated in or has ever been in a country where FMD exists; (4) the hedgehog or tenrec was inspected by the individual issuing the health certificate and was found free of any ectoparasites not more than 72 hours before being loaded on the means of conveyance which transported the animal to the United States; (5) all body surfaces of the hedgehog or tenrec were treated for ectoparasites under the supervision of the veterinarian issuing the health certificate at least 3 days but not more than 14 days before being loaded on the means of conveyance that transported the animal to the United States; (6) the pesticide and the concentration used was adequate to kill the types of ectoparasites likely to infest the animal to be imported; and (7) the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (a)(5) and (a)(6) of proposed § 92.705, had physical contact only with, or shared a pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States. Proposed § 92.705(a)(8) requires that the health certificate contain the name and concentration of the pesticide used to treat the hedgehog or tenrec.

The health certificate would help APHIS personnel at the port of entry determine if the animals offered for entry into the United States meet the requirements set forth in subpart G. The inspection and treatment, as certified on the health certificate, would help ensure that the animals are free of ectoparasites when they are shipped to the United States. The timing of the treatment (at least 3 days but no more than 14 days before loading on the means of conveyance for shipment to the United States) would minimize the chances of reinfestation by placing treatment as close to shipment as possible. Allowing the hedgehogs or tenrecs to have physical contact only with, or share a

pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States would further reduce the chances of reinfestation.

Notice of Arrival and Inspection

Proposed § 92.706 requires that, upon the arrival of a hedgehog or tenrec at the port of first arrival in the United States, the importer or the importer's agent must present the import permits and health certificates to the collector of customs for the use of the APHIS inspector at that port. This proposed requirement appears necessary not only to make APHIS aware of the arrival of the animals in the United States, but also to ensure that the hedgehogs or tenrecs are eligible for importation.

Proposed § 92.707(a) requires inspection of the hedgehogs or tenrecs by an APHIS inspector at the port of first arrival. This proposed section provides that hedgehogs or tenrecs may enter the United States subject to the provisions of subpart G only if each hedgehog or tenrec in the shipment is found free of ectoparasites and any clinical signs of communicable diseases.

Proposed § 92.707(b) provides that any shipment of hedgehogs or tenrecs found infested with ectoparasites, or demonstrating clinical signs of any communicable disease, will be refused entry into the United States. This proposed section also provides that the importer be given the option of removing the shipment from the United States or of releasing the shipment to the U.S. Department of Agriculture for disposal. In the latter case, this proposed section provides that the Administrator will destroy or otherwise dispose of the shipment as necessary to prevent the possible introduction of communicable animal diseases into the United States.

All these requirements appear necessary to help prevent the introduction of communicable animal diseases into the United States.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. This 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 document proposes to amend the animal import regulations to prohibit the importation of hedgehogs and tenrecs from countries affected with FMD. Additionally, it would require hedgehogs and tenrecs from countries that have been declared free of FMD to

be inspected and treated for ectoparasites in the country of origin and to be inspected upon arrival in the United States.

At present, approximately 3 to 10 small businesses in the United States import hedgehogs or tenrecs or both. These businesses specialize in the importation of exotic species for the domestic pet industry. Animal importers pay less than \$75 per head to purchase and transport individual hedgehogs or tenrecs to the United States. In the present market, adult hedgehogs or tenrecs sell for an estimated retail range of approximately \$120 to \$360 each, depending upon age and species. During calendar year 1990, approximately 500 to 800 hedgehogs entered the United States from countries affected by FMD. Almost all of the hedgehogs imported into the United States were imported from Africa. Although we do not have information regarding the number of tenrecs imported into the United States in 1990, we believe that the number of imported tenrecs did not exceed the number of imported hedgehogs. Based upon those figures, we estimate an annual economic impact on the United States exotic pet industry of between \$60,000 (\$120×500) to \$288,000 (\$360×800) due to reduced sales. This loss in sales represents a negligible impact for an industry with sales that exceeded \$300 million during calendar year 1990.

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

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Docket No. 91-071-1,

Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 92

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

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

Accordingly, 9 CFR part 92 would be amended as follows:

1. The authority citation for part 92 would continue 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 2.17, 2.51, and 371.2(d).

2. In part 92, subpart G would be revised to read as follows:

Subpart G—Miscellaneous Animals

Sec.

- 92.700 Definitions.
- 92.701 Prohibitions.
- 92.702 Restrictions.
- 92.703 Ports designated for importation.
- 92.704 Import permit.
- 92.705 Health certificate.
- 92.706 Notification of arrival.
- 92.707 Inspection at the port of first arrival.

Subpart G—Miscellaneous Animals

§ 92.700 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

Brush-tail possum. Vulpine phalangers (*Trichosurus vulpecula*) of the family Phalangeridae.

Delivery. The transfer of goods or interest in goods from one person to another.

Enter (entry). To introduce into the commerce of the United States after release from government detention.

Hedgehog. All members of the family Erinaceidae.

Import (imported, importation). To bring into the territorial limits of the United States.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Tenrec. All members of the family Tenrecidae.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

§ 92.701 Prohibitions.

(a) No person may import a hedgehog or tenrec into the United States from any country designated in § 94.1 of this chapter as a country where foot-and-mouth disease exists.

(b) No person may import a brushtail possum or hedgehog into the United States from New Zealand.

§ 92.702 Restrictions.

Hedgehogs and tenrecs not specifically prohibited from being imported under § 92.701 may not be imported into the United States except according to the regulations in this subpart.

§ 92.703 Ports designated for importation.

(a) Any person importing a hedgehog or tenrec into the United States may import it, except as provided in paragraph (b) of this section, only through the following ports:

(1) **Air and ocean ports.** Anchorage and Fairbanks, AK; San Diego and Los Angeles, CA; Denver, CO; Jacksonville, Miami, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Honolulu, HI; Chicago, IL; New Orleans, LA; Portland, ME; Baltimore, MD; Boston, MA; Minneapolis, MN; Great Falls, MT; Newburgh, NY; Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

(2) **Canadian border ports.** Eastport, ID; Houlton and Jackman, ME; Detroit, Port Huron, and Sault Ste. Marie, MI; Opheim, Raymond, and Sweetgrass, MT; Alexandria Bay, Buffalo, and Champlain, NY; Dunseith, Pembina, and Portal, ND; Derby Line and Highgate Springs, VT; Blaine, Lynden, Oroville, and Sumas, WA.

(3) **Mexican border ports.** Douglas, Naco, Nogales, Sasabe, and San Luis,

AZ; Calexico and San Ysidro, CA; Antelope Wells, and Columbus, NM; and Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, TX.

(b) The Secretary of the Treasury has approved the designation, as inspection stations, of the ports specified in paragraph (a) of this section. In special cases, the Administrator may designate other ports as inspection stations in accordance with this section, with the concurrence of the Secretary of the Treasury.

§ 92.704 Import permit.

(a) **General requirements.** No person may import into the United States a hedgehog or tenrec unless it is accompanied by an import permit issued by APHIS and is imported into the United States within 30 days after the proposed date of arrival stated in the import permit. The importer or his or her agent must notify the inspector at the port of first arrival of the date of arrival at least 72 hours before the hedgehog or tenrec arrives in the United States.

(b) **How to obtain an import permit.** Any person who desires to import a hedgehog or tenrec must complete and submit one copy of an application (VS Form 17-129) for an import permit to the Import-Export Animals Staff, National Center for Import-Export, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, 4700 River Road Unit 39, Riverdale, Maryland 20737-1231. This staff will supply application forms for import permits upon request. A separate application must be prepared for each shipment.

(c) **What to include on the application for an import permit.** The importer must complete, sign, and date the application for an import permit, which must include the following information:

(1) The name and address of the shipper in the country of origin of the hedgehog or tenrec intended for importation into the United States.

(2) The name, address, and telephone number of the importer.

(3) The port of embarkation.

(4) The country from which the hedgehog or tenrec will be shipped to the United States.

(5) The mode of transportation.

(6) The number, breed, species, and descriptions of the hedgehogs or tenrecs to be imported.

(7) The purpose of the importation.

(8) The route of travel, including all carrier stops enroute.

(9) The proposed shipping and arrival dates.

(10) The port of first arrival in the United States.

(11) The name, mailing address, and telephone number of the person to whom the hedgehog or tenrec will be delivered in the United States.

(12) The location of the place where delivery will be made in the United States.

(13) Any remarks regarding the shipment.

(d) *What will happen to the application for an import permit.* Upon receipt of the application, APHIS will review the application. If the hedgehog or tenrec appears to be eligible to be imported into the United States, APHIS will issue an import permit indicating the applicable requirements under this subpart for the importation of the hedgehog or tenrec. Even though an import permit has been issued for the importation of a hedgehog or tenrec, the animal may enter the United States only if all applicable requirements of this subpart have been met.

§ 92.705 Health certificate.

A hedgehog or tenrec may not be imported into the United States unless accompanied by a health certificate either issued by a full-time salaried veterinary officer of the national government of the exporting country, or issued by a veterinarian authorized or accredited by the national government of the exporting country and endorsed by a full-time salaried veterinary officer of the national government of that country. The health certificate must contain the names and street addresses of the consignor and consignee and must state:

(a) That the hedgehog or tenrec originated in a country that has been recognized as free of foot-and-mouth disease by the USDA;

(b) That the hedgehog or tenrec has never been in a country where foot-and-mouth disease exists;

(c) That the hedgehog or tenrec has not been commingled with any other hedgehog or tenrec that originated in or has ever been in a country where foot-and-mouth disease exists;

(d) That the hedgehog or tenrec was inspected by the individual issuing the health certificate and was found free of any ectoparasites not more than 72 hours before being loaded on the means of conveyance which transported the animal to the United States;

(e) That all body surfaces of the hedgehog or tenrec were treated for ectoparasites under the supervision of the veterinarian issuing the health certificate at least 3 days but not more than 14 days before being loaded on the means of conveyance that transported the animal to the United States;

(f) That the pesticide and the concentration used was adequate to kill the types of ectoparasites likely to infest the animal to be imported;

(g) That the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (e) and (f) of this section, had physical contact only with, or shared a pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States; and

(h) The name and concentration of the pesticide used to treat the hedgehog or tenrec.

§ 92.706 Notification of arrival.

Upon the arrival of a hedgehog or tenrec at the port of first arrival in the United States, the importer or his or her agent must present the import permits and health certificates required by this subpart to the collector of customs for the use of the inspector at that port.

§ 92.707 Inspection at the port of first arrival.

(a) A hedgehog or tenrec from any part of the world must be inspected by an APHIS inspector at the port of first arrival. Subject to the other provisions in this subpart, a shipment of hedgehogs or tenrecs may enter into the United States only if each hedgehog or tenrec in the shipment is found free of ectoparasites and any clinical signs of communicable diseases.

(b) If any hedgehog or tenrec in a shipment is found to be infested with ectoparasites or demonstrates any clinical signs of communicable diseases, then the entire shipment will be refused entry. The importer will be given the following options:

(1) Remove the shipment from the United States; or

(2) Release the shipment to the U.S. Department of Agriculture. The Administrator will destroy or otherwise dispose of the shipment as necessary to prevent the possible introduction into the United States of communicable animal diseases.

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

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-11374 Filed 5-8-95; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Parts 112 and 113

[Docket No. 94-046-1]

Viruses, Serums, Toxins, and Analogous Products; Marek's Disease Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the standard requirements for Marek's disease vaccines by including vaccines prepared from any of the three Marek's disease virus serotypes, and by defining the identity, safety, and efficacy requirements for vaccines prepared from each serotype or combinations of serotypes. The proposed rule would also amend the requirements for labeling Marek's disease vaccines. These proposed amendments are necessary based on the evolution of the disease in the field, advances in the types of vaccines currently prepared to prevent the disease, and advances in the methods of evaluating such vaccines. The effect of the proposed rule would be to save licensees time during the application process by clarifying and codifying the guidelines developed for licensing these products over the past several years.

DATES: Consideration will be given only to comments received on or before July 10, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket 94-046-1, 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. 94-046-1. 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. David Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD, 20737-1237, (301) 734-8245.

SUPPLEMENTARY INFORMATION:

Background

Veterinary biologics are regulated under the Virus-Serum-Toxin Act of 1913, as amended by the Food Security Act of 1985 (21 U.S.C. 151-159, hereinafter referred to as the Act). In accordance with this Act, the Animal