

requirements for Canadian border port status. This action will provide an additional Canadian border port.

DATES: This rule will be effective on May 30, 1995 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before April 28, 1995.

ADDRESSES: Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to Docket No. 94-087-1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1228. Please state that your submission refers to Docket No. 94-087-1. Submissions 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 and notices are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, Import/Export Animals Staff, 4700 River Road Unit 39, Riverdale, MD 20737-1228; (301) 734-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 92 and 98 (referred to below as the regulations) restrict the importation of specified animals and animal products into the United States. The regulations designate land border ports along the U.S.-Canada border which have inspection facilities for the importation of certain animals and germ plasm that require inspection. Section 92.102(a) of the regulations lists the special ports having inspection facilities for the importation of certain pet birds. Sections 92.203(b), 92.303(b), 92.403(b), 92.503(b) and 98.33(b) of the regulations list the Canadian border ports having inspection facilities for the importation of certain poultry, horses, ruminants, swine and germ plasm, respectively.

A new facility in Baudette, MN, is ready for use as an inspection station. We have determined that the Animal and Plant Health Inspection Service has the personnel and facilities at Baudette, MN, required to effectively provide inspection services. Baudette, MN, is currently listed in §§ 92.403(e) and 92.503(e) as a limited port for ruminants

and ruminant products and swine and swine products, respectively. Limited ports are used for animals and animal products that do not require restraint and holding facilities. Since Baudette, MN, is capable of performing full inspection services, we will remove Baudette, MN, from the list of limited ports.

This rule will amend §§ 92.102(a), 92.203(b), 92.303(b), 92.403(b), 92.403(e), 92.503(b), 92.503(e), and 98.33(b) in accordance with the procedures explained below under "Dates." The amendment will add Baudette, MN, as a Canadian border port and remove it as a limited port.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

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.

Currently, Baudette, MN, is a limited port for certain ruminants, ruminant products, swine, and swine products.

This rule will add Baudette, MN, as a Canadian border port for certain pet birds, poultry, horses, ruminants, swine, and germ plasm. We believe the primary impact will be on importers of certain pet birds, poultry, horses, ruminants, swine, and germ plasm. Few if any of these entities can be regarded as small.

If this rule is not adopted, some importers would have to travel long distances to a port in another State. We believe that adding Baudette, MN, as a Canadian border port will benefit U.S. importers of pet birds, poultry, horses, ruminants, and swine since these importations will now be logistically easier for a number of these entities. Based on information from the local livestock industry we expect 500 to 1,000 head of Canadian cattle to be imported into the United States through Baudette, MN. Approximately half of these imports will be diverted from other ports. In 1993, cattle imports into the United States from Canada totaled approximately 1.2 million head. Therefore, we do not anticipate this increase in the imports to have a significant economic impact.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, 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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 92

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