

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.

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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.