

Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

#### Statement of Consideration

This rule terminates all but certain administrative provisions of the Paducah, Kentucky, Federal milk marketing, order (Order 99), effective upon publication in the Federal Register.

There currently are no handlers regulated under the Paducah, Kentucky, order. Turner Dairies, the one handler that was regulated under Order 99, recently became regulated under the Southeast order because of its sales into that marketing area. Producers who ship their milk to Turner's Fulton, Kentucky, plant now have their milk pooled under the adjacent Southeast Federal milk order.

Since there are no plants left under the Paducah, Kentucky, order, the order should be terminated because the terms and provisions of the order no longer effectuate the declared policy of the Act.

For good cause shown, this rule shall be effective on publication. Neither a comment period nor a 30-day effective date is provided since no interested party will be affected by this rule.

#### List of Subjects in 7 CFR Part 1099

Milk marketing orders.  
Order

It is therefore ordered, That the terms and provisions of the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area (7 CFR Part 1099), except § 1099.1, which incorporates the General Provisions in Part 1000, are hereby terminated, effective upon publication in the Federal Register.

#### **PART 1099—MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA**

1. The authority citation for 7 CFR Part 1099 continues to read as follows:

Authority: 7 U.S.C. 601-674.

#### **§§ 1099.2 through 1099.86 [Removed]**

2. Sections 1099.2 through 1099.86 are removed, effective upon publication in the Federal Register.

Dated: October 23, 1995.

Shirley R. Watkins,

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95-26792 Filed 10-27-95; 8:45 am]

BILLING CODE 3410-02-P

### **Animal and Plant Health Inspection Service**

#### **9 CFR Part 92**

[Docket No. 91-071-2]

#### **Importation of Hedgehogs and Tenrecs**

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the animal importation regulations to prohibit the importation of hedgehogs and tenrecs into the United States from countries affected by foot-and-mouth disease. Additionally, we are imposing certain restrictions on the importation of hedgehogs and tenrecs into the United States from countries declared free of foot-and-mouth disease. These actions are necessary to prevent the introduction of foot-and-mouth disease and other communicable animal diseases into the United States.

**EFFECTIVE DATE:** November 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. Keith Hand, Senior Staff Veterinarian, Import-Export Animals, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1228, (301) 734-5097.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The animal importation regulations in 9 CFR part 92 (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.

On May 9, 1995, we published in the Federal Register (60 FR 24580-24584, Docket No. 91-071-1) a proposal to amend the regulations to prohibit the importation of hedgehogs and tenrecs into the United States from countries where foot-and-mouth disease (FMD) exists and to require that hedgehogs and tenrecs from countries declared free of FMD be inspected and treated for ectoparasites in the country of origin and that they be inspected upon arrival in the United States.

We solicited comments concerning our proposal for 60 days ending July 10,

1995. We received one comment by that date. The comment is discussed below.

**Comment:** The prohibition on the importation of hedgehogs and tenrecs from countries where FMD exists should be expanded to include hedgehogs and tenrecs from all countries, not just countries with FMD. Imported hedgehogs or tenrecs may carry diseases that are contagious to humans, such as bovine tuberculosis and salmonellosis. They can pass on fleas, ticks, mange, and, in the case of hedgehogs, five different intestinal worms to humans. Also, there is no United States Department of Agriculture (USDA) certified vaccine against rabies for hedgehogs and tenrecs. Because there is no documentation that exists proving hedgehogs and tenrecs cannot carry and transmit rabies, there is a risk that they may pass the rabies virus on to humans.

There are also problems associated with importing and keeping wild animals, such as hedgehogs and tenrecs, as pets. Inadequate feeding and watering during transportation often causes fatalities in imported animals, and the stress associated with capture and transportation causes susceptibility to disease and illness. In the wild, hedgehogs and tenrecs are solitary insectivores that travel up to a mile per day. However, during importation, hedgehogs and tenrecs are often transported with other hedgehogs or tenrecs in close proximity and are fed cat and dog food. In addition, when owners do not properly maintain these animals in a home environment, the animals can become a hazard to human health, other animals, and the environment.

**Response:** The Animal and Plant Health Inspection Service (APHIS) restricts the importation of certain animals into the United States to prevent the introduction and dissemination of communicable diseases of animals. Published research obtained by APHIS indicates that certain animals of the order Insectivora, including the family Erinaceidae (hedgehogs), may harbor the FMD virus. (Copies of this research may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**) Animals of the family Tenrecidae (tenrecs), often referred to as the Madagascar hedgehog, are similar to hedgehogs in appearance and behavior and may also be capable of harboring the FMD virus and transmitting it to other animals. Therefore, this rule amends 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 such as 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, this rule also amends part 92 to impose certain restrictions on the importation of hedgehogs and tenrecs from countries declared free of FMD, including requirements for inspection and treatment for ectoparasites.

Bovine tuberculosis is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis*. Bovine tuberculosis (TB) causes weight loss, general debilitation, and sometimes death. The disease manifests itself as lung disease or draining, nonhealing, abscesses, or both. It is generally transmitted by breathing in respiratory excretions from infected animals or drinking infected milk from infected animals.

In an interim rule effective on May 31, 1994, and published in the Federal Register on June 6, 1994 (see 59 FR 29186-29187, Docket No. 94-032-1, and the subsequent affirmation of the interim rule at 60 FR 4372, Docket No. 94-032-2, published in the Federal Register on January 23, 1995), we amended the regulations to prohibit the importation of brushtail possums and hedgehogs from New Zealand. New Zealand reported that TB was endemic in the brushtail possum (*Trichosurus vulpecula*) and that the possums were a constant source of disease for the domestic livestock population in certain regions. New Zealand also reported that TB had been diagnosed in hedgehogs. There is no recognized test for detecting TB in hedgehogs or brushtail possums. These factors presented an unacceptable risk that hedgehogs from New Zealand could carry TB into the United States. However, APHIS does not have the scientific evidence to justify a prohibition on the importation of hedgehogs from all countries based on the possibility that hedgehogs may carry TB.

APHIS has not identified any cases of Group D salmonella (*Salmonella pullorum*, *Salmonella gallinarum*, and *Salmonella enteritidis*), the salmonella that most affect poultry, in hedgehogs and tenrecs. Furthermore, many animals can carry salmonella; there is no evidence that hedgehogs and tenrecs

present a unique risk of infecting livestock and poultry.

Furthermore, there is no documentation proving that hedgehogs and tenrecs carry and transmit rabies. Consequently, there is no basis for our prohibiting the importation of hedgehogs and tenrecs because of rabies.

We recognize the potential problems associated with keeping hedgehogs and tenrecs as pets, including the risk that these animals could transmit internal parasites or disease agents to humans. However, our regulations to restrict or prohibit the importation of animals are based on laws that, in general, authorize action to prevent the introduction or dissemination of communicable diseases of animals.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule without change.

#### Executive Order 12866 and Regulatory Flexibility Act

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

This document amends the animal import regulations to prohibit the importation of hedgehogs and tenrecs from countries affected with FMD. Additionally, it requires 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 and tenrecs to the United States. In the present market, adult hedgehogs and tenrecs sell for an estimated retail range of approximately \$120 to \$360 each, depending upon age and species. During 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 1990.

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 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

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB) under OMB control numbers 0579-0040 and 0579-0120.

#### 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 is amended as follows:

1. The authority citation for part 92 continues 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 is 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 be imported into the United States only in accordance with 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 a hedgehog or tenrec into the United States 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) *Import permit required.* 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) *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 en route.

(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) *Issuance of 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 other applicable requirements of this subpart have been met.

(Approved by the Office of Management and Budget under control number 0579-0040)

**§ 92.705 Health certificate.**

(a) No person may import a hedgehog or tenrec into the United States unless it is 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:

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

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

(3) 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;

(4) 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;

(5) 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;

(6) That the pesticide and the concentration used would kill the types of ectoparasites that may infest the animal to be imported;

(7) That the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (a)(5) and (a)(6) 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

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

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579-0040)

#### **§ 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 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 24th day of October 1995.

Lonnie J. King,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-26871 Filed 10-27-95; 8:45 am]

BILLING CODE 3410-34-P

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 110**

**RIN 3150-AD36**

#### **Import and Export of Radioactive Waste: Correction**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule: correction.

**SUMMARY:** In the Federal Register on July 21, 1995 (60 FR 37556), the Nuclear Regulatory Commission (NRC) issued a final rule to establish specific licensing requirements for the import and export of radioactive waste and to clarify other import and export requirements. As part of the final rule, certain sections of NRC's export regulations were redesignated. However, in § 110.82, the amendment necessary to change a reference to reflect a redesignated section was inadvertently omitted. As a result, § 110.82 now contains an erroneous reference. This action is necessary to correct this inconsistent reference and does not result in any substantive change.

**EFFECTIVE DATE:** August 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ronald Hauber, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-2344.

List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Exports, Imports.

Accordingly, 10 CFR Part 110 is amended as follows:

## **PART 110—[AMENDED]**

1. The authority citation for Part 110 continues to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092-2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154-2158, 2201, 2231-2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 5, Pub. L. 101-575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96-92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99-440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80-110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130-110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102-496 (42 U.S.C. 2151 et seq.).

2. In § 110.82, paragraph (b)(3) is revised to read as follows:

#### **§ 110.82 Hearing request or intervention petition.**

\* \* \* \* \*

(b) \* \* \*

(3) Explain why a hearing or an intervention would be in the public interest and how a hearing or intervention would assist the Commission in making the determinations required by § 110.45.

\* \* \* \* \*

Dated at Rockville, MD this 19th day of October 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

*Executive Director for Operations.*

[FR Doc. 95-26805 Filed 10-27-95; 8:45 am]

BILLING CODE 7590-01-P

## **FEDERAL RESERVE SYSTEM**

### **12 CFR Parts 207, 220, 221 and 224**

[Regulations G, T, U and X]

#### **Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; determination of applicability of regulations.

**SUMMARY:** The List of Marginable OTC Stocks (OTC List) is composed of stocks