

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

§ 929.105 [Amended]

2. Section 929.105 is amended in paragraph (b) by adding the words “and *Vaccinium oxycoccus* cranberries” after the word “cranberries” everywhere the word appears and by adding the words “and *Vaccinium oxycoccus* cranberry products” after the words “cranberry products.”

Dated: August 14, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-21211 Filed 8-20-96; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 130

[Docket No. 95-057-1]

Importation of Pet Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing several changes to the regulations for importing pet birds into the United States. First, we are proposing to remove the requirement for veterinary inspection at the port of entry for all pet birds imported from Canada, including pet birds of U.S. origin that have been in Canada. We would also remove the requirement that such birds may only be imported through a designated port. For pet birds of Canadian origin, we would add the requirement that the birds be accompanied by a veterinary health certificate issued by Agriculture Canada. We are also proposing to allow pet birds imported from countries other than Canada to be maintained under home quarantine for 30 days rather than be quarantined for 30 days at a facility operated by the United States Department of Agriculture. Finally, we are proposing to allow microchip implants as a form of permanent identification for pet birds of U.S. origin. We believe these actions would facilitate the importation of pet birds, while continuing to provide protection against the introduction of communicable poultry diseases into the United States.

DATES: Consideration will be given only to comments received on or before October 21, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-057-1, 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. 95-057-1. 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. Tracye R. Butler, Staff Veterinarian, Import-Export Animals, National Center for Import-Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-5097.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92 (referred to below as the regulations) regulate the importation of certain animals and birds, including pet birds that are imported for the personal pleasure of their individual owners and are not intended for resale, to prevent the introduction of communicable diseases of livestock and poultry.

The regulations provide different requirements for importing pet birds depending on the origin of the bird. For pet birds imported from Canada, the regulations require that, among other things, the birds must be found upon port of entry veterinary inspection to be free of poultry diseases. In order to allow for veterinary inspection, the regulations require that pet birds from Canada may only be imported through a port designated in § 92.102 or § 92.203, because these are ports where inspectors qualified to perform veterinary inspections are available. The result of this requirement has been that some pet bird owners from Canada have to travel a considerable distance to import their pet bird through a designated port of entry. This is often inconvenient and expensive for pet bird owners.

Approximately 300 pet birds are imported from Canada through designated ports each year. No communicable disease of poultry has ever been detected upon veterinary inspection at the port of entry in a pet bird from Canada. For this reason, we believe that importing pet birds from

Canada without veterinary inspection at the port of entry would not pose any significant risk of introducing a communicable disease of poultry into the United States. We are, therefore, proposing to remove the requirement that birds imported from Canada must receive a veterinary inspection at the port of entry, as well as the requirement that pet birds from Canada may only be imported through designated ports.

However, as a precaution to ensure that pet birds imported from Canada do not carry communicable poultry diseases, we would require that pet birds imported from Canada must be accompanied by a veterinary health certificate issued by a veterinarian employed full-time by Agriculture Canada. The certificate would have to state that, upon inspection by an Agriculture Canada veterinarian, the bird was found free of any signs of communicable diseases of poultry. The inspection by the Agriculture Canada veterinarian must have been conducted within 30 days preceding the date of importation of the pet bird. Although it would cost a pet bird owner approximately US \$9.50 (Can \$13.00) to obtain this certificate, the cost is less than the average charge of US \$16.50 for veterinary inspection of the pet bird at the port of entry. Also, the pet bird owner would be able to obtain the certificate at his or her convenience (within 30 days prior to importation) and would be able to import the pet bird through whatever port is most convenient to the owner.

For pet birds of U.S. origin that are returning to the United States from any country, the regulations also require that the birds be imported only through ports designated in § 92.102 or § 92.203 and that the birds receive a veterinary inspection at the port of entry. Further, if the pet birds have been outside the United States for more than 60 days, the regulations require that the birds be maintained by their owner under home quarantine for a minimum of 30 days, until they are released from quarantine by an inspector of the Animal and Plant Health Inspection Service (APHIS). For the reasons stated previously for pet birds from Canada, we are proposing to remove these requirements for pet birds of U.S. origin that have been outside the United States only in Canada. Pet birds that originated in the United States but that have been in any country other than Canada during their time outside the United States would continue to be subject to veterinary inspection at the port of entry and, if appropriate, home quarantine.

For pet birds not of U.S. origin imported from any country other than

Canada, the regulations require, among other things, that the birds be quarantined for a minimum of 30 days at a quarantine facility operated by the United States Department of Agriculture (USDA). There, each pet bird or lot of birds is isolated in a biologically secure unit separate and apart from all other avian species (if more than one bird is imported by the same owner and the birds are compatible, the "lot" can be kept together in the same isolette). During the isolation period, the pet birds are subjected to tests and procedures to determine whether they are free from communicable diseases of poultry. If the pet birds are found during quarantine to be infected with or exposed to any communicable disease of poultry, they will not be released for entry into the United States.

The primary diseases of concern that could be carried by pet birds imported from other countries are exotic Newcastle disease (END) and pathogenic strains of avian influenza (AI). Captive-bred birds are at a relatively low risk of spreading END, pathogenic AI, or other communicable poultry diseases, because they are born and raised in a controlled environment where it would be easy to determine if they had been exposed to an infected bird. Wild-caught birds are at the highest risk for carrying END, pathogenic AI, and other communicable diseases of poultry, because it is impossible to control or determine what they were exposed to in the wild.

As a result of the Wild Bird Conservation Act of 1992 (the Act), the number of wild-caught pet birds imported into the United States has been significantly reduced. Under the Act, in order to import any pet bird purchased outside the United States, an owner must have documented evidence that he or she has resided outside the United States continuously for at least 1 year, may not import more than two pet birds, must have a permit from the U.S. Fish and Wildlife Service, documented evidence that each bird was acquired legally, and all necessary permits from the country of export. These requirements eliminate a once common practice of U.S. citizens purchasing exotic, wild-caught birds while on vacation, and bringing them back to the United States as pets. The virtual elimination of wild-caught pet bird importations, as well as an overall reduction in importation of any pet birds, significantly reduces the risk of imported pet birds introducing communicable diseases of poultry into the United States. There have been no isolations of END or pathogenic AI in any pet bird legally imported through a

USDA-operated quarantine facility in at least 10 years.

For these reasons, although we continue to believe that it is necessary to take the precaution of quarantining pet birds imported from countries other than Canada for a minimum of 30 days, we do not believe that it is necessary to require that the birds be quarantined in a USDA-operated facility. Therefore, we are proposing to allow owners of such birds to maintain their pet birds under home quarantine for the same 30-day time period. The provisions for home quarantine would be the same as those currently in the regulations for pet birds of U.S. origin that have been outside of the United States for more than 60 days (see § 92.101(c)(2)). At the time the pet bird is offered for importation at the port of entry, the owner must sign a home quarantine agreement on VS Form 17-8, stating that: (1) The bird has been in the owner's possession while outside the United States for the 90 days prior to the date the bird is offered for importation and that, during that 90 days, the bird was not in contact with any poultry or other birds; (2) the bird will be maintained under quarantine in the owner's personal possession separate and apart from all poultry and other birds for a minimum of 30 days following importation at the address where the birds are to be held (listed by the owner on the agreement); (3) the bird will be made available for health inspection and testing by an inspector upon request until released from quarantine by the inspector; (4) if the bird must be moved from the address listed on the agreement, the owner will contact the Federal official listed on the agreement prior to such movement; and (5) the owner agrees to immediately notify appropriate Federal officials in the State of destination if any signs of disease are noted in any bird, or if any bird dies, during the quarantine period. The bird will not be released from quarantine until an inspector has determined that the owner has complied with all the provisions on the agreement.

Although we believe that most owners importing pet birds from countries other than Canada would choose to quarantine their pet birds at home, we would not remove the option for quarantine in a USDA-operated facility. Some owners may choose not to quarantine their pet birds at home. Also, we would add a stipulation for the importation of any pet bird, including pet birds of U.S. origin or pet birds from Canada, that if an inspector at the port of entry determines that any of the requirements for importation have not been met (for example, the pet bird has

not been in the owner's personal possession for the required minimum amount of time prior to importation, or the pet bird is not accompanied by the appropriate health certificate), the inspector will require that the pet bird be quarantined at a USDA-operated facility in order to be imported.

User Fees

The regulations in 9 CFR part 130 contain schedules of user fees for certain services performed by APHIS. Among the services for which APHIS charges a user fee are veterinary inspection of pet birds at the port of entry, home quarantine inspection for pet birds, and isolette fees for pet birds that are quarantined at facilities operated by the USDA. We are proposing to add a new paragraph (c)(4) to § 92.101 to reference the user fee schedules in part 130, in order to ensure that pet bird owners would be aware that they will be charged all applicable user fees for inspection and quarantine services, as listed in 9 CFR part 130. We would also amend the regulations in 9 CFR part 130 to reflect that pet birds imported from any country could now undergo home quarantine, and should be charged the appropriate user fee for home quarantine services.

Miscellaneous

The regulations in § 92.101(c)(2)(i) currently require that pet birds of U.S. origin must have been identified prior to departure from the United States with a leg band or tattoo bearing a number. The leg band or tattoo number must be listed on the veterinary health certificate that accompanies the pet bird. However, microchip implants are the preferred form of identification for some pet bird owners because some birds do not adapt well to wearing a leg band (they chew the band or catch it on objects, potentially injuring themselves), and because the thin skin of birds makes it difficult to read a tattoo.

Therefore, we are proposing to allow owners of U.S.-origin birds the option of identifying their pet birds with a microchip implant. We would revise the regulations in this respect to state that the veterinary health certificate accompanying the bird must show the leg band, tattoo, or microchip identification number that was affixed to the bird prior to the departure of the bird from the United States. Even though we would allow identification with a microchip, we would not be able to provide devices necessary to read the microchip at the port of entry. Currently, there is no microchip reader capable of reading all microchips produced by different manufacturers.

Therefore, we would require the owner of a pet bird identified by a microchip to also provide a reader capable of reading the microchip identification of the pet bird.

We are proposing to amend § 92.101(c) to require all pet birds to be presented in a cage at the port of entry by their owners. These requirements currently appear only in § 92.101(c)(1) for pet birds imported from Canada. We are also proposing to remove the requirement in § 92.101(c)(2)(ii)(A) that pet birds of U.S. origin that have been outside the United States for more than 60 days must be accompanied by a notarized declaration under oath or affirmation (or a statement signed by the owner and witnessed by a Department inspector) stating that the birds have not been in contact with poultry or other birds while outside the United States. Owners of such birds are already required to sign a home quarantine agreement on VS Form 17-8. VS Form 17-8 includes a certification that the bird has not been in contact with any poultry or other birds for at least 90 days prior to importation, and we believe 90 days would allow adequate time for any signs of communicable poultry diseases to appear. Therefore, the notarized declaration appears to be unnecessary.

We are also proposing to make two editorial changes in order to make the regulations consistent and easier to read. First, the current regulations in § 92.101(c) refer variably to the importation of pet birds and to the importation of "lots" of pet birds. Because the importation of pet birds under these regulations is not necessarily in lots, and often involves a single pet bird, and because the term "lot" could be confused to mean commercial lots of birds, we are proposing to remove the term "lots of pet birds" wherever it appears.

The second editorial change would be to revise the description in § 92.101(c)(2)(ii)(B) of the agreement for home quarantine to make it consistent with the language that actually appears on VS Form 17-8. For example, as stated on VS Form 17-8, we would add that, if the birds must be moved during the quarantine period, the owner agrees to contact the official listed on the form prior to such movement.

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 the purposes of Executive Order 12866 and, therefore, has not

been reviewed by the Office of Management and Budget.

This proposal would remove the requirement for veterinary inspection at the port of entry for all pet birds imported from Canada, including pet birds of U.S. origin that have been in Canada. We would also remove the requirement that such birds may only be imported through a port designated in § 92.102 or § 92.203. For pet birds of Canadian origin, we would add the requirement that the birds be accompanied by a veterinary health certificate issued by Agriculture Canada.

Approximately 300 pet birds of U.S. and Canadian origin are imported into the United States from Canada each year. Many American and Canadian citizens routinely travel across the United States-Canada border with their pet birds. Some have homes on both sides of the border. Currently, pet birds imported from Canada, whether of U.S. or Canadian origin, must undergo veterinary inspection at the port of entry. In order to allow for veterinary inspection, the pet birds may only be imported through a port designated in § 92.102 or § 92.203, because these are ports where inspectors qualified to perform veterinary inspections are available. The result of this requirement has been that pet bird owners entering the United States from Canada often travel a considerable distance in order to import their pet bird through a designated port of entry. This is often inconvenient and expensive for pet bird owners.

This proposal would allow both Canadian- and U.S.-origin pet birds imported from Canada to be imported through any port of entry on the U.S.-Canada border. This could result in a savings for pet bird owners who would otherwise have had to travel considerable distances to enter through a designated port of entry. These pet bird owners would also no longer have to pay the user fee for port of entry veterinary inspection. Currently, if the pet birds are imported during business hours, the user fee for veterinary inspection is based on an hourly rate of \$56.00 per hour or \$14.00 per quarter hour, with a minimum charge of \$16.50. The average charge for a veterinary inspection is \$16.50. After business hours, the user fee is \$65.00 per hour on weekdays and holidays (\$16.25 per quarter-hour) and \$74.00 per hour on Sundays (\$18.50 per quarter-hour).

We do not expect that the addition of a veterinary health certificate requirement for pet birds of Canadian origin would have any significant economic impact on pet bird owners. Agriculture Canada charges Can\$13.00

(approximately US\$9.50) to issue a veterinary health certificate.

This proposal would also allow pet birds imported from countries other than Canada to be maintained under home quarantine for 30 days rather than be quarantined for 30 days at a facility operated by USDA. Approximately 1,520 pet birds were imported into the United States from countries other than Canada during FY 1994.

Currently, a user fee of \$6.50 per day for one bird is charged to owners who quarantine their pet birds in a USDA-operated facility, adding to about \$195.00 for a minimum 30-day isolation. If an owner is importing more than one pet bird and the birds can be kept together in a single isolette, the daily fee is raised by approximately \$1.25 to \$1.50 per bird (for up to five birds). If the birds cannot be kept together, the owner is charged the full \$6.50 per day for each bird imported. Since the quarantine facility is usually far from the owner's final destination, the owner must also either return to pick up the bird personally or pay a broker to deliver the bird after it is released from quarantine. Costs for broker services, the most common choice of pet bird owners, run between approximately \$50 and \$150 plus shipping costs.

Pet bird owners who choose to maintain their birds under a 30-day home quarantine as a result of this proposal would be charged a user fee of \$169.75 per bird or group of birds (if the group of birds entered the United States at the same time and undergoes quarantine at the same location). This is the same user fee currently charged for pet birds of U.S. origin that must be maintained under home quarantine because they were outside of the United States for more than 60 days. The fee covers veterinary inspection at the port of entry and the cost of veterinary inspection at the address where the bird is held under home quarantine. The user fee for home quarantine is \$25.25 less than the fee for quarantine at a USDA-operated facility. The owner would also save the cost of retrieving the bird personally or paying a broker to deliver the bird. Also, home quarantine would result in a savings for pet bird owners who are importing more than one pet bird because the fee would remain the same as long as the birds are quarantined at the same location. Pet bird owners would continue under this proposal to have the option of quarantining their birds at a USDA-operated facility.

Finally, this proposal would allow microchip implants to be used as a form of permanent identification for pet birds

of U.S. origin. The cost of a microchip implant is less than \$10. A microchip reader, which the owner would have to provide, costs approximately \$450 to \$1250. However, this rule would not require owners to identify their pet birds with microchip implants, and we believe that most pet bird owners would choose the less costly identification methods currently allowed in the regulations (tattoo or leg band).

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 12988

This proposed rule has been reviewed under Executive Order 12988, 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

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects

9 CFR Part 92

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

9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, 9 CFR parts 92 and 130 would be amended as follows:

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

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 2.22, 2.80, and 371.2(d).

2. Section 92.101 would be amended as follows:

a. Paragraphs (c)(3)(ii), (c)(3)(iii), (c)(3)(iv), and (c)(3)(v) would be redesignated as paragraphs (c)(3)(iv)(B)(1), (c)(3)(iv)(B)(2), (c)(3)(iv)(B)(3), and (c)(3)(iv)(B)(4), respectively.

b. In paragraph (c), a heading and introductory text would be added, paragraphs (c)(1), (c)(2), (c)(3) introductory text and (c)(3)(i) would be revised, and new paragraphs (c)(3)(ii), (c)(3)(iii), (c)(3)(iv) introductory text, (c)(3)(iv)(A), (c)(3)(iv)(B) introductory text and (c)(4) would be added to read as set forth below.

c. In paragraph (d), the introductory text would be revised to read as set forth below.

§ 92.101 General prohibitions; exceptions.

* * * * *

(c) *Importation of pet birds.* Any pet bird that does not meet the requirements in paragraph (c)(1), (c)(2), or (c)(3) may only be imported after quarantine at a USDA-operated quarantine facility, in accordance with paragraph (c)(3)(iv)(B).

(1) *Pet birds from Canada.* Any pet bird that is not known to be affected with or exposed to any communicable disease of poultry may be imported from Canada in accordance with the following requirements:

(i) The bird must be presented at the port of entry by its owner and in a cage;

(ii) The bird must be accompanied by a veterinary health certificate issued by a veterinarian employed full-time by Agriculture Canada. The certificate must state that, upon inspection by the veterinarian, the bird was found free of any signs of communicable diseases of poultry. The veterinary inspection must have been conducted within 30 days preceding the date of importation; and

(iii) At the time the bird is offered for importation at the port of entry, the owner must sign a document stating that the bird has been in the owner's possession for the 90 days preceding the date of importation and that, during that 90 days, the bird has not been in contact with any poultry or other birds (for

example, association with other avian species at exhibitions or in aviaries).

(2) *Pet birds that originated in the United States.* (i) *Not outside the United States for more than 60 days.* Any pet bird that originated in the United States, and that has not been outside the United States for more than 60 days, and that is not known to be affected with or exposed to any communicable disease of poultry may be imported in accordance with the following requirements:

(A) The bird must be presented in a cage at the port of entry by its owner;

(B) The bird must be accompanied by a United States veterinary health certificate issued prior to the departure of the bird from the United States. The certificate must show the leg band, tattoo, or microchip permanent identification number that was affixed to the bird prior to the departure of the bird from the United States. If the bird is identified by a microchip, the owner must provide a reader capable of reading the microchip identification of the pet bird; and

(C) At the time the bird is offered for importation at the port of entry, the owner must sign a document stating that the bird has been in the owner's possession during the entire time it was outside the United States and that, during that time, the bird was not in contact with any poultry or other birds (for example, association with other avian species at exhibitions or in aviaries).

(D) Except for pet birds of U.S. origin that have been outside the United States only in Canada, the bird may be imported only through a port designated in § 92.102 or § 92.203. An inspector at the port of entry will perform a veterinary inspection and must determine that the bird is free of any signs of communicable diseases of poultry, and that the leg band, tattoo, or microchip number is the same as the identification number found on the veterinary health certificate, before the bird may be imported.

(ii) *Outside the United States for more than 60 days.* Any pet bird that originated in the United States and that has been outside the United States for more than 60 days, and that is not known to be affected with or exposed to any communicable diseases of poultry, may be imported in accordance with the following requirements:

(A) The bird must meet all the requirements of paragraphs (c)(2)(i)(A), (c)(2)(i)(B), and (c)(2)(i)(D); and

(B) Except for pet birds of U.S. origin that have been outside the United States only in Canada, at the time the bird is offered for importation at the port of

entry, the owner must sign a home quarantine agreement on VS Form 17-8. The bird will not be released from quarantine until an inspector has determined that the owner has complied with all the provisions on the agreement. Under the agreement:

(1) The owner certifies that the bird has been in the owner's possession while outside the United States for the 90 days prior to the date the bird is offered for importation and that, during that 90 days, the bird was not in contact with any poultry or other birds;

(2) The owner agrees that the bird will be maintained under quarantine in the owner's personal possession separate and apart from all poultry and other birds for a minimum of 30 days following importation at the address where the birds are to be held (listed by the owner on the agreement), and that the bird will be made available for health inspection and testing by an inspector upon request until released from quarantine by the inspector. The owner also agrees that, if the bird must be moved from the address listed on the agreement, the owner will contact the Federal official listed on the agreement prior to such movement; and

(3) The owner agrees to immediately notify appropriate Federal officials in the State of destination if any signs of disease are noted in any bird, or if any bird dies, during the quarantine period.

(iii) Pet birds of United States origin that do not meet the requirements of paragraph (c)(2) of this section may be imported in accordance with the requirements of paragraph (c)(3) of this section.

(3) *Pet birds from countries other than Canada that did not originate in the United States.* Any pet bird may be imported from any country other than Canada in accordance with the following requirements:

(i) The bird may be imported only through a port designated in § 92.102 or § 92.203; except, if the bird is to be quarantined at a USDA-operated facility, the bird may be imported only through a port designated in § 92.102(a). An inspector at the port of entry will perform a veterinary inspection and must determine that the bird is free of any signs of communicable diseases of poultry before the bird will be released for entry into the United States;

(ii) The bird must be presented at the port of entry by its owner and in a cage;

(iii) The bird must be accompanied by a veterinary health certificate issued by a national government veterinary officer of the country of export stating that he or she personally inspected the bird or birds listed on the health certificate and found them to be free of any signs of

exotic Newcastle disease, ornithosis, or any other communicable diseases of poultry, and that the birds were being exported in compliance with the laws and regulations of the country of export. For pet birds from Mexico, the veterinary health certificate may be issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so. Veterinary health certificates written in a foreign language must be translated into English, at the expense of the importer; and

(iv) The bird must be quarantined for a minimum of 30 days following the date of importation. The owner of the bird may choose to make advance reservations at a USDA-operated quarantine facility or may agree to maintain the bird under home quarantine, as described, in paragraph (c)(3)(iv)(A), unless an inspector at the port of entry determines that the bird must be quarantined at a USDA-operated quarantine facility because any of the requirements in paragraph (c)(3) are not met.

(A) *Home quarantine.* For any pet bird that is to be maintained under home quarantine, the owner must sign an agreement on VS Form 17-8. The bird will not be released from quarantine until an inspector has determined that the owner has complied with all the provisions on the agreement. Under the agreement:

(1) The owner certifies that the bird has been in the owner's possession for the 90 days prior to the date the bird is offered for importation and that, during that 90 days, the bird was not in contact with any poultry or other birds;

(2) The owner agrees that the bird will be maintained under quarantine in the owner's personal possession separate and apart from all poultry and other birds for a minimum of 30 days following importation at the address where the bird is to be held (listed by the owner on the agreement), and that the bird will be made available for health inspection and testing by an inspector upon request until released from quarantine by the inspector. The owner must also agree that, if the bird must be moved from the address listed on the agreement, the owner will contact the Federal official listed on the agreement prior to such movement; and

(3) The owner agrees to immediately notify appropriate Federal officials in the State of destination if any signs of disease are noted in any bird, or if any bird dies, during the quarantine period.

(B) *USDA-operated facility quarantine.* For any bird that is to be quarantined at a USDA-operated facility:

* * * * *

(4) *User fees.* Owners of pet birds imported in accordance with paragraph (c)(1), (c)(2), or (c)(3) will be charged all applicable user fees for inspection and quarantine services, as listed in part 130 of this chapter.

(d) *Birds transiting the United States en route to another country.* The provisions in this subpart relating to birds shall not apply to healthy birds, except ratites, that are transiting the United States en route to another country, and that are not known to be affected with or exposed, within the 90 days preceding the date of export from the country of origin, to communicable diseases of poultry, if an import permit⁴ has been obtained under § 92.103 of this chapter and all conditions therein are observed; and if such birds are handled as follows:

* * * * *

PART 130—USER FEES

3. The authority citation for part 130 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 7 CFR 2.22, 2.80, and 371.2(d).

4. In § 130.8, paragraph (a), the table would be amended by revising the entry for "Pet birds" to read as follows:

§ 130.8 User fees for other services.

(a) * * *

Service	User fee (per lot)
* * * * *	
Pet birds imported into the United States from any country except Canada that are:	
Subject to port of entry veterinary inspection and home quarantine inspection	169.75
Subject only to port of entry veterinary inspection	71.25
* * * * *	

⁴ Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737-1231. Requests for approval of such facilities should also be made to the Deputy Administrator.

Done in Washington, DC, this 14th day of August 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-21208 Filed 8-20-96; 8:45 am]

BILLING CODE 3410-34-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

[Docket No. PRM-30-61]

Nuclear Energy Institute, Receipt of a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the Nuclear Energy Institute (NEI) on behalf of nuclear material licensees. The Commission has docketed the petition Docket No. PRM-30-61. The petitioner requests that the NRC amend its regulations governing monitoring and maintenance programs for the decommissioning process at facilities of special nuclear materials licensees. The petitioner's suggested amendments would allow material licensees to continue monitoring and maintaining facilities, separate buildings, or outside storage areas that have not been used for 24 months, rather than requiring licensees to begin the decommissioning process after 24 months of inactivity.

DATES: Submit comments by November 4, 1996. Comments received after this date will be considered if it is practical to do so, but assurance of consideration can be given only to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays.

For a copy of the petition, write: Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Electronic access is explained at the end of the Supplementary Information section.

FOR FURTHER INFORMATION CONTACT:

Michael T. Lesar, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-415-7163 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission (NRC) received a petition for rulemaking dated May 24, 1996, from the Nuclear Energy Institute (NEI). The petition was docketed as PRM-30-61 on May 29, 1996. The petitioner requests that the NRC amend the regulations in 10 CFR Parts 30, 40, and 70 to establish a more flexible alternative to the current provisions required for decommissioning any facility, separate building, or outside area after it has been inactive for at least 24 months.

The petitioner discusses the NRC's Site Decommissioning Plan to address facilities that had not operated for some period of time and had not started the decommissioning process. The study that led to the plan was initiated because the owners of a number of facilities had gone into bankruptcy or could not be identified, and because a number of sites had unique decommissioning or financial issues to be resolved in order to complete decommissioning.

The NRC began a second study to determine the appropriateness of establishing regulations to prevent other licensees from falling into one of three categories. Two key antecedents for licensees falling into the categories were identified. First, the regulations did not state a specific time period for decommissioning, either from when operations ceased or from the time decommissioning started to the time it was completed. Second, if decommissioning was delayed for a long period of time, safety practices could become lax, key personnel could leave, management interest would wane, or bankruptcy, corporate takeover, and other unforeseen changes could occur, all of which would complicate or further delay decommissioning.

The petitioner states that in January 1990, the NRC directed its staff to establish timeline criteria for decommissioning the sites of materials licensees. The petitioner describes NRC staff began efforts to establish the requirements for timely decommissioning. The work culminated in SECY-92-057, dated February 19, 1992. In June 1992, the NRC issued a staff requirements memorandum approving the proposed rulemaking. The notice for comments was published

in the Federal Register on January 13, 1993 (53 FR 4099). The comment period expired on March 29, 1993. The NRC received 17 comment letters, including one from the predecessor organization to NEI. This comment focused on the lack of a standby provision in the rule.

The petitioner further states that the proposed rule included four major points: first, to establish a time limit of 24 months of inactivity, after which a licensee must submit notification to the NRC; second, to establish a time limit of 12 months following the notification of ceasing operations to submit the decommissioning plan; third, to provide a provision for requests to delay or postpone the initiation of the decommissioning process; and fourth, to establish a time period for completing decommissioning. Most of the comments the NRC received were focused on the timing of each aspect and the lack of residual contamination criteria. The NRC decided not to adopt the suggestion to extend the 24-month period of inactivity before notification because the commenters did not provide adequate substantiating rationale for selecting an alternative schedule.

The Petitioner

The petitioner is the Nuclear Energy Institute (NEI), the organization that coordinates unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Supporting Statement

The petitioner believes that NRC's overall objective was to ensure timely decommissioning of material licensees' facilities following termination of the license or inactivity of the site for a specified period of time. Although the final rule (July 15, 1994; 59 FR 36027) accomplishes this objective, the petitioner believes that it also has the potential to eliminate important components from the nuclear industry infrastructure. These components, facilities, and buildings may be needed in future years to support continuing operation or potential industry expansion. The petitioner states that it may not have been NRC's intent to eliminate components of this infrastructure, but the delay and postponement provision and the absence of an alternative monitoring and maintenance program essentially does just that.