ILLINOIS—TSP—Continued

Designated areas	Does not meet primary	Does not meet secondary	Cannot be classified	Better than national standards
New Douglas				X
Olive				X
Omphghent				X
Pin Oak				X
Saline				X
St. Jacob				X
Venice	X	X		
Wood River	X	X		
All other townships		X		
St. Clair County:				
Caseyville		X		
Engelmann				X
Fayetteville				X
Freeburg				X
Lebanon				X
Lenzburg				X
Marissa				X
Mascoutah				X
Millstadt		X		
New Athens				X
O'Fallon				X
Prairiedulong				X
Shiloh Valley		X		
Smithton				X
St. Clair		X		
Stookey		X		
All other townships	X	X		
Bond County				X
Clinton County				X
Randolph County				X
Washington County				X
AQCR 71:				
Bureau County				X
LaSalle County:				
Deer Park		X		
Dimmick		X		
LaSalle	X	X		
Peru		X		
Utica		X		
Waltham		X		
All other townships				X
Lee County				X
Putnam County				X
Marshall County				X
Stark County				X
* * * * *				
AQCR 73:				
DeKalb County				X
Stephenson County				X
Winnebago County				X
Boone County				X
Ogle County				X
* * * * *				
AQCR 75:				
Adams County				X
Macon County:				
Decatur	X	X		

ILLINOIS—TSP—Continued

Designated areas	Does not meet primary	Does not meet secondary	Cannot be classified	Better than national standards
Hickory Point		X		
All other townships				X
Menard County:				
Petersburg East		X		
Petersburg North		X		
Petersburg South		X		
All other townships				X
Sangamon County:				
Springfield		X		
All other townships				X
Brown County				X
Calhoun County				X
Cass County				X
Christian County				X
Greene County				X
Jersey County				X
Logan County				X
Macoupin County				X
Montgomery County				X
Morgan County				X
Pike County				X
Schuyler County				X
Scott County				X
* * * * *				

[FR Doc. 85-594 Filed 1-10-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-6-FRL-2756-5]

Arkansas; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Arkansas' application for final authorization.

SUMMARY: Arkansas has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Arkansas' application and has reached a final determination that Arkansas' Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

EFFECTIVE DATE: Final Authorization for Arkansas, for purposes of judicial review, shall be effective January 25, 1985.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, State Programs Section (6AW-HP), Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, 1201 Elm St., Dallas, Texas 75270, (214) 767-2645.

SUPPLEMENTARY INFORMATION: Section 3006(b) of RCRA allows the EPA to authorize State hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other authorized state programs and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On July 18, 1984, Arkansas submitted a complete application to obtain Final Authorization to administer a RCRA program. On October 12, 1984, EPA published a tentative decision announcing its intent to grant Arkansas Final Authorization. Further background on the tentative decision appears at 49 FR 40055, October 12, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application and EPA's tentative determination. The public hearing was held on November 13, 1984, at 7:00 p.m. in Little Rock, Arkansas.

The State of Arkansas received Phase I, Interim Authorization on November 19, 1980, Phase II, Components A and B Interim Authorization on April 19, 1982, and Component C of Phase II Interim Authorization on January 24, 1984. Therefore, there will be no change in the status of permits or permitting authority on the effective date of this Final Determination.

Arkansas is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Responsiveness Summary

In addition to the **Federal Register** notice of tentative determination cited above, EPA publicized the notice of determination, the availability of the State's application for review and comment, and the public hearing by providing for publication of the notice in enough newspapers of general

circulation to ensure State wide coverage and by mailing notices to persons on the State and EPA mailing lists. Approximately one (1) week prior to the hearing EPA mailed a follow-up notice to the major news media outlets in the State.

By the close of the public comment period, EPA received comments from six (6) persons on the Tentative Decision to grant Final Authorization to Arkansas. Comments are summarized and responded to below. The comments are grouped, to the extent possible, according to common areas for ease of response. This grouping is not meant to indicate any special significance or lack of significance of any comment. All comments have been carefully considered in reaching the decision to grant Final Authorization to the State of Arkansas.

1. *Comment:* One commenter stated that the current hazardous waste regulations in Arkansas will not protect the interests of the people of Arkansas. The commenter suggests that more resources are needed for the Arkansas program and that a more comprehensive plan of action is required. Such a regulatory scheme would include, among other things, waste reduction with a goal of zero discharge by 1990, on-site detoxification, waste exchange, not allowing any exemptions from full regulations, and prohibiting the landfilling of hazardous waste in Arkansas.

Response: As discussed earlier in this notice, EPA's decision to grant Final Authorization is based on the statutory requirements found in Sections 3006(b) and 7004 of RCRA as enacted by the Congress. EPA has reviewed the Arkansas program and has found that it meets those requirements, including sufficient resources for its operation.

EPA recognizes that the standards set out in the federal regulations may be supplemented by state requirements in order to provide the program desired by the state. Section 3009 of RCRA does allow for State programs to be more stringent than the federal program, if consistent with the federal scheme. All of the suggestions of the commenter encouraging stricter regulations have merit and deserve to be considered by the state. They are, however, not a consideration in the RCRA authorization process; EPA cannot deny authorization because the state has not implemented a more stringent program than EPA requires.

2. *Comment:* Two commenters expressed concern that the hazardous waste program in Arkansas would not prevent contamination of the environment by hazardous wastes. The commenters were concerned that hazardous waste not enter the environment and cause pollution of environmental resources, including aesthetic resources and water resources, and that due care be taken in preserving the environment of the State.

One of the commenters was also concerned that not enough resources were being allocated in Arkansas to properly regulate hazardous waste.

Response: EPA appreciates such concerns and wishes to assure the commenters, and all people concerned with proper hazardous waste management, that EPA is also concerned with the preservation of the environment and the abatement of existing pollution problems. The performance and technical standards for the protection of ground and surface water resources from hazardous waste contamination are at the core of the RCRA program. EPA has reviewed the Arkansas program and found that it meets the applicable requirements of the federal program. As noted above, part of this determination includes an assessment of Arkansas' resources for implementation of its program. Implementation of this program in Arkansas should serve to prevent pollution by hazardous waste.

3. *Comment:* Two commenters expressed support for the Final Authorization of the State of Arkansas' hazardous waste management program.

Response: EPA appreciates these comments and has certainly taken them, along with the other comments received, into consideration in reaching a decision. Arkansas has demonstrated that the State program meets the requirements of Sections 3006 and 7004 of RCRA, the primary standards against which EPA measures the Arkansas program in reaching the decision to grant Final Authorization.

4. *Comment:* One commenter stated that the Arkansas Department of Pollution Control and Ecology does not consider the comments of interested persons when reaching a decision. The commenter asserts that only industry in the State has input into regulatory decisions and that the present regulatory system allows too much self regulation by industry.

Response: EPA has reviewed the public participation procedures the State of Arkansas utilizes in developing regulations, issuing permits, etc. EPA has found that these procedures are equivalent to the procedures EPA would use in similar circumstances. EPA solicits and welcomes details regarding specific situations where the agency has failed to follow those procedures. The federal RCRA hazardous waste regulatory program is a cradle to grave system for regulating hazardous waste. This system, which Congress has chose to establish, involves compliance, reporting, and record keeping by the regulated community and compliance monitoring and enforcement by government. The Arkansas program for compliance and enforcement of hazardous waste laws and regulations has been found to meet the applicable requirements of the federal program. Failure of the State to implement the authorized RCRA program in a manner equivalent to the federal program would result in action by EPA to withdraw the authorization.

Decision

After reviewing the public comments, re-evaluating the State's submittal in light of those comments, and considering the performance of the State under Interim Authorization, it is my conclusion that Arkansas' application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Arkansas is granted Final Authorization to operate its hazardous waste management program. Subject to the Hazardous and Solid Waste Amendments of 1984 [Pub. L. 98-616, November 8, 1984], Arkansas now has responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. Arkansas also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Prior to the Hazardous and Solid Waste Amendments [HSWA] amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. EPA's regulations no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6226(g), the new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Arkansas. To the extent the authorized State program is unaffected

by the HSWA, the State program will operate in lieu of the Federal program. EPA will administer and enforce the prohibitions and requirements of the HSWA in Arkansas until Arkansas receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

HSWA-related requirements and prohibitions that are more stringent than the State's program apply in Arkansas. Any State requirement that is more stringent than HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the authorized State program and the HSWA defines the applicable requirements in Arkansas. (Arkansas is not being authorized now for any requirement implementing the HSWA.)

EPA will be publishing a **Federal Register** notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region VI and Arkansas are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Arkansas shall administer the RCRA program in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and Arkansas' respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this Final Authorization from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Arkansas' program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burden on small entities. This Final Determination therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This Final Determination is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b) and EPA delegation 8-7.

Dated: December 19, 1984.

Dick Whittington,

Regional Administrator.

[FR Doc. 85-857 Filed 1-10-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[SW-6-FRL-2756-4]

New Mexico; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on New Mexico's application for final authorization.

SUMMARY: New Mexico has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed New Mexico's application and has reached a final determination that New Mexico's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

EFFECTIVE DATE: Final Authorization for New Mexico, for purposes of judicial review, shall be effective January 25, 1985.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, State Programs Section (6AW-HP), Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, 1201 Elm St., Dallas, Texas 75270 (214) 767-2645.

SUPPLEMENTARY INFORMATION: Section 3006(b) of RCRA allows the EPA to authorize State hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other authorized state programs and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On July 26, 1984, New Mexico submitted a complete application to obtain Final Authorization to administer a RCRA program. On October 24, 1984, EPA published a tentative decision announcing its intent to grant New Mexico Final Authorization. Further background on the tentative decision appears at 49 FR 42761, October 24, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application and EPA's tentative determination. The public hearing was held on November 28, 1984, at 10:00 a.m. in Albuquerque, New Mexico.

The State of New Mexico received Interim Authorization for Phase I and for Phase II, Components A and B on September 30, 1983. New Mexico chose not to apply for Component C. Upon receiving Final Authorization, New Mexico will implement its program for permitting land disposal facilities. Otherwise, there will be no change in the status of permits or permitting authority on the effective date of this Final Determination.

New Mexico is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Responsiveness Summary

In addition to the **Federal Register** notice of tentative determination cited above, EPA publicized the notice of determination, the availability of the State's application for review and comment, and the public hearing by providing for publication of the notice in enough newspapers of general circulation to ensure State wide coverage and by mailing notices to persons on the State and EPA mailing lists. Approximately one (1) week prior to the hearing EPA mailed a follow-up notice to the major media outlets in the State.

EPA received comments from three (3) persons on the Tentative Decision to grant Final Authorization to New Mexico. Comments are summarized and responded to below. The comments are grouped, to the extent possible, according to common areas for ease of response. This grouping is not meant to indicate any special signficance or lack of significance of any comment. All comments have been carefully

considered in reaching the decision to grant Final Authorization to the State of New Mexico.

1. *Comment:* One commenter maintains that the Government of the United States must keep direct control over the Hazardous Waste Program. The commenter asserts that it is not suitable to let the State of New Mexico or any other state take control of the program, even if a state proves to be a capable agency.

Response: Section 3006 of RCRA requires EPA to grant Final Authorization to the states if they meet the requirements of RCRA. While EPA appreciates the concern of the commenter, EPA has the obligation under federal law to grant the authorization if the state demonstrates compliance with RCRA.

2. *Comment:* Two commenters support the authorization of the State's Hazardous Waste Management Program.

Response: EPA appreciates these comments and has certainly taken them into consideration in reaching a decision. New Mexico has demonstrated that the State program meets the requirements of Sections 3006 and 7004 of RCRA, the primary standards against which EPA measures the New Mexico program in reaching the decision to grant Final Authorization.

Decision

After reviewing the public comments, re-evaluating the State's submittal in light of those comments, and considering the performance of the State under Interim Authorization, it is my conclusion that New Mexico's application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, New Mexico is granted Final Authorization to operate its hazardous waste management program. Subject to the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984), New Mexico now has responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. New Mexico also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Prior to the Hazardous and Solid Waste Amendments (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. EPA's regulations no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6226(g), the new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of the HSWA, there will be a dual State/Federal regulatory program in New Mexico. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. EPA will administer and enforce the prohibitions and requirements of the HSWA in New Mexico until New Mexico receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

HSWA-related requirements and prohibitions that are more stringent than the State's program apply in New Mexico. Any State requirement that is more stringent than an HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the authorized State program and the HSWA define the applicable requirements in New Mexico. (New Mexico is not being authorized now for any requirement implementing the HSWA.)

EPA will be publishing a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region VI and New Mexico are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that New Mexico shall administer the RCRA program in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and New Mexico's respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this Final Authorization from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New Mexico's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burden on small entities. This Final Determination therefore, does not require a regulatory flexibility analysis.

List of Subject in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This Final Determination is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b) and EPA delegation 8-7.

Dated: December 19, 1984.

Dick Whittington,

Regional Administrator.

[FR Doc. 85-860 Filed 1-10-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 71

Foreign Quarantine

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This rule amends the regulations in 42 CFR Part 71 necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. In 1967, the Public Health Service was reorganized, and the Quarantine Program was transferred to the Centers for Disease Control (CDC). Since the transfer, the Quarantine Program has been modernized and streamlined. The regulations have been updated to reflect

current concepts of disease surveillance, investigation, and control.

EFFECTIVE DATE: February 11, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Laurence S. Farer, Acting Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Ga. 30333, telephone (404) 329-2574, or FTS 236-2574.

SUPPLEMENTARY INFORMATION: This final rule implements revisions proposed in a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on August 9, 1983 (48 FR 36143). The NPRM provided a 60-day comment period scheduled to close on October 11, 1983. To be responsive to all groups affected by the proposed regulations, the comment period was subsequently extended an additional 60 days ending December 11, 1983. All comments received were considered in the final rule.

Discussion of Comments

Comments on the proposed rule were received from Federal and State agencies, professional associations, private industry, the military, and universities. A summary of the substantive comments and our responses follows. A more complete discussion on the provisions to which most comments were directed appears in the preamble of the NPRM.

Comment—Comments were received from 24 sources on the proposed elimination of restrictions on the importation of psittacine birds. The majority of commenters opposed the elimination of these restrictions, citing public health risks, occupational health risks to poultry workers, and threats to domestic poultry flocks.

Response—Psittacosis in humans is a disease which is easily managed and treated, and is rarely transmitted person-to-person. The Department acknowledges that psittacosis constitutes a health risk for the relatively small population engaged in commerce or ownership of cage and aviary birds and will continue to monitor the occurrence of psittacosis in this susceptible subpopulation. The Department further acknowledges the importance of measures to assure that infected birds do not enter into commerce and that uniform procedures of testing, treating, and identifying cage and aviary birds are established and applied within the industry. However, the low incidence of psittacosis among the general population does not warrant quarantine restrictions on the importation of psittacine birds.

The U.S. Department of Agriculture (USDA) has quarantine jurisdiction over all imported birds to protect domestic flocks against communicable diseases. USDA regulations (9 CFR 92.11) require chlortetracycline prophylactic treatment of imported psittacine birds. In accordance with discussions held early this year between HHS and USDA officials, the Department will continue to endorse this antimicrobial therapy for imported birds in quarantine, as required by USDA regulations, and will further recommend that industry or individual bird owners continue the treatment for 15 additional days. The Department will provide the USDA with advisory notices on the potential health risk to importers. These notices will be given to importers at the time their birds are released from the quarantine facility.

Comment—Comments were received from an officer of the U.S. Navy (USN) on the proposed changes regarding Deratting/Deratting Exemption Certificates. The commenter recommended that current Deratting/Deratting Exemption Certificate requirements for ships entering U.S. ports not be changed. The commenter indicated that since some foreign ports continue to require the certificates, eliminating the requirement for U.S. ports may lead to confusion.

Response—Although the certificate will no longer be required for ships entering U.S. ports as explained in the preamble of the NPRM, CDC will continue to perform rodent infestation inspections and to issue Deratting/Deratting Exemption Certificates, on request, to those ships which require the certificates for international itineraries. As explained in the preamble of the NPRM, the inspections and issuance of certificates will continue since some nations still require them and since the International Health Regulations require each health administration to provide the service. This response has been discussed with officials of the USN and they have accepted our position.

Comment—Comments were received from one source on the restrictions on importation of nonhuman primates. The commenter suggested that the definition of "exhibition purpose" is ambiguous in that more specific criteria for "reasonable vacation and retraining periods" are not provided. The commenter also pointed out that no provisions for "travel time" or "sick leave" were included in the definition.

Response—The definition of "exhibition purpose" was proposed in the NPRM for clarification and is stated as explicitly as circumstances will permit. In general, a prospective importer must provide evidence which reasonably demonstrates that nonhuman primates will be used solely for one of the purposes specified in the regulations.

Comment—The same commenter opposed the provision requiring that live nonhuman primates may be imported into the United States and sold, resold, or otherwise distributed only for *bona fide* scientific, educational, or exhibition purposes. The commenter stated that no justification had been presented for this restriction and suggested further that a provision should be made to permit an individual to import a nonhuman primate as a "companion animal."

Response—The existing regulations were proposed on March 14, 1975 (40 FR 11887). The 1975 NPRM included a provision for the importation of nonhuman primates for "personal use." Commenters opposed the 1975 provision because it was not consistent with the regulations as a whole, would be difficult to enforce, and would be subject to abuse. Lengthy documentation of the public health hazards associated with nonhuman primates and public comment regarding the proposed rulemaking were cited in the final rule published on August 11, 1975 (40 FR 33661) in which the waiver provision was omitted. Section 71.53(h) of the NPRM published on August 8, 1983 (48 FR 36143) included a provision for waiver of the restrictions "under exceptional circumstances." Since the rationale for the 1975 final rule (which eliminated waivers) remains valid, § 71.53(h) of the NPRM of August 8, 1983, has been omitted in this final rule, and subsequent subsections have been relettered.

Comment—Comments were received from two sources on the proposed changes to the list of communicable diseases for which the Director, CDC, may apprehend, detain, isolate, and/or conditionally release individuals, or order disinfection and/or disinfestation, to prevent the introduction, transmission, or spread of the diseases. One commenter proposed including dengue, while the other commenter proposed deleting cholera, infectious tuberculosis, and yellow fever.

Response—Section 361(b) of the PHS Act (42 U.S.C. 264(b)) provides that a list of communicable diseases for which individuals may be apprehended, detained, or conditionally released be specified by Executive Order of the President upon the recommendation of the National Advisory Health Council and the Assistant Secretary for Health. In accordance with this provision, the National Advisory Health Council and the Assistant Secretary for Health reviewed the list of diseases, as

explained in the preamble of the NPRM, and after lengthy review and deliberation, recommended the revised list of diseases. Subsequently, Executive Order 12452, updating the list of communicable diseases specified in Executive Order 11070, issued December 12, 1962, was issued on December 22, 1983 (48 FR 56927). Section 71.32(b) of this final rule is now consistent with the list contained in Executive Order 12452.

Comment—Comments were received from three sources on the requirements regarding reporting the occurrence of any death or ill person on board a ship. One commenter suggested that the penalty for not reporting the occurrence of any death or illiness on board ships be increased and enforced.

Response—The penalty as prescribed in section 368(a) of the PHS Act (42 U.S.C. 271(a)) is considered adequate. The shipping industry's history of compliance with reporting requirements has not demonstrated a need for an increased penalty.

Comment—One commenter opposed reporting requirements for passenger ships on the assumption that it should be the professional responsibility of the ship's physician to voluntarily report any communicable disease. Another commenter objected to the specific diarrhea reporting requirements for passenger ships as being redundant, burdensome, impractical, and unfair in singling out passenger ships. This commenter objected to the definition of "ill person" as used in these requirements.

Response—The specific requirement for reporting diarrhea is to enable the CDC to identify outbreaks of gastrointestinal disease of potentially serious nature. Under existing regulations, there is no requirement for a negative report when there are no cases of illness on board. The lack of a report could be the result of absence of cases, but also of failure to report, or technical communications problems between the ship and the quarantine station. Passenger ships are unique in having a large aggregation of people in a relatively isolated situation, in being the passengers' only source of food and water, and in having limited medical facilities. Cruise passengers may eat dozens of meals prepared in the same kitchen by the same staff, and may be exposed to drinking water taken on board at various ports of call, thus increasing their chances of being exposed to a source of gastrointestinal illness. Because of a large number of serious gastrointestinal disease outbreaks on passenger ships in the early 1970's, the CDC initiated a passenger ship diarrhea surveillance system in 1974. All passenger cruise ships were asked to report the number of cases of diarrhea in passengers and crew (including zero) prior to the termination of each cruise. The definition of an "ill person" in the NPRM corresponds to the definition of diarrhea which has been accepted by the industry and used in this surveillance system since 1974. The specific reporting measures for diarrheal illness, including negative reports, were and are considered necessary so that the Director, CDC, can be informed of gastrointestinal disease outbreaks in time to organize and conduct epidemiological investigations, or to follow up in the event no report is received.

Comment—One commenter, representing a group of international passenger ship companies, offered extensive comments concerning carrier inspection, detention, and remedial action. The commenter stated that provisions for inspection under proposed § 71.31(a) are not supported by enabling legislation, that the scope of disease control power authorized by section 361(a) of the PHS Act is limited to situations that threaten the spread of dangerous disease, and that provisions for detention and remedial action under proposed § 71.31(b) and § 71.32(c) may exceed the statutory scope of authority. The commenter further stated that the provisions for inspection, detention, and remedial action under proposed § 71.31(a), § 71.31(b), and § 71.32(c) are not clearly defined, and that the provisions apply quarantine powers for the control of "minor gastrointestinal illnesses," representing an unsound and costly expansion of regulatory standards bearing no reasonable relationship to significant health risks or benefits, are contrary to the mandate of Executive Order 12291 of February 17, 1981 (46 FR 13193), and the Regulatory Policy Guidelines issued by the Office of Management and Budget to help implement the Executive Order. The commenter specifically suggested that § 71.31(b) and § 71.32)c) be altered by adding the four words "into the United States" after "communicable disease," and that an additional subsection to §71.31 be added as follows:

(c) A carrier shall not be required to undergo a quarantine inspection under § 71.31(a), shall not be detained under § 71.31(b), and shall not be required to undergo any measures listed in § 71.32(c), on the basis of reported episodes of shipboard diarrhea, unless the Director has reasonable belief that shipboard conditions create a significant risk of spread of a serious diarrheal disorder into the United States.

Response—The regulatory language proposed by the commenter is considered to be unnecessary. The scope of the regulations is stated in § 71.1(a). The suggested addition to § 71.31 would place unrealistic restraints on the Director. The Director does not intend to impose disruptions or burdens without cause but must be able to determine if a threat of introduction, transmission, or spread of communicable disease exists. Sections 71.31 (a) and (b) and 71.32(c) provide for measures necessary to make this determination. However, an editorial change has been made in § 71.31(a) to clarify that the Director retains discretion to inspect or not, as conditions warrant.

The Department does not believe that these provisions for inspection, detention, and remedial action represent a significant expansion of regulatory standards. The Department has considerably reduced burdensome requirements on incoming vessels from foreign areas. Before 1969, every arriving ship and aircraft, including passengers and crew, was inspected. Since then, the Department has modernized and streamlined quarantine activities, resulting in benefit to the traveling public by expediting incoming traffic from foreign areas. The purpose of these amendments is primarily to update the regulations in this part by incorporating the new concepts and procedures to which the passenger ship industry has largely acceded since 1974. The legislative mandate requires the Department to promulgate regulatory provisions necessary to control the introduction of communicable diseases from foreign countries. The Department disagrees with the comment that the proposed regulations apply quarantine powers for the control of "minor shipboard illness." These regulations, including the modification of requirements for reporting of diarrheal illness, are intended to provide for measures necessary to identify and control a potential public health threat.

The regulations are based on legislative authority in secs. 361 through 369 of the PHS Act. The language used in these sections is broad and confers authority to make and enforce such regulations as are necessary to carry out the legislative purposes of preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States or possessions, or from one State or possession into any other State or possession. The Act refers to "communicable diseases," not categorized as major or minor, and does

not refer to any specific diseases. Section 366(c) of the PHS Act (42 U.S.C. 269(c)) confers the authority to prescribe regulations applicable to vessels in particular, for the purpose of preventing the introduction into the States or possessions of the United States of *any* communicable disease by securing the best sanitary condition of such vessels, their cargoes, passengers, and crews. In this context, the Department believes the provisions for carrier inspection, detention, and remedial action are clearly supported by the enabling legislation (PHS Act) and is within the statutory scope of authority.

After consideration of all the comments received, the only change made in the final rule, other than editorial changes, is the deletion of the provision for waiving restrictions on importation of nonhuman primates under exceptional circumstances, as discussed above.

This rule is primarily a clarification of procedures and practices currently in use by CDC. The revised procedures have efficiently and effectively met the objectives and mission of the Quarantine Program. Since for the most part common practice is in accordance with what the regulations provide, the Secretary has determined that this rule is not a major rule under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

The information collection requirements contained in these final regulations have been approved by the Office of Management and Budget under section 3507 of the Paperwork Reduction Act of 1980 and assigned control numbers as follows: Sections 71.21, 71.33, 71.35, 71.51, 71.52, and 71.53—OMB control number 0920-0134.

List of subjects in 42 CFR Part 71

Aircraft, Airports, Animals, Communicable diseases, Harbors, Imports, Pesticides and pests, Public Health, Quarantine, Vessels.

Part 71 of Title 42, Code of Federal Regulations, is amended as set forth below.

Dated: September 5, 1984.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: December 11, 1984.

Margaret M. Heckler,

Secretary.

Part 71 is revised to read as follows.

PART 71—FOREIGN QUARANTINE

Subpart A—Definitions and General Provisions

Sec.

Subpart B—Measures at Foreign Ports

Subpart C—Notice of Communicable Disease Prior to Arrival

Subpart D—Health Measures at U.S. Ports: Communicable Diseases

Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection

Subpart F—Importations

Authority: Sec. 215 of Public Health Service (PHS) Act, as amended (42 U.S.C. 216); secs. 361-369, PHS Act, as amended (42 U.S.C. 264-272); E.O. 12452 of December 22, 1983, 48 FR 56927.

Subpart A—Definitions and General Provisions

§ 71.1 Scope and definitions.

(a) The provisions of this part contain the regulations to prevent the introduction, transmission, and spread of communicable disease from foreign countries into the States or possessions of the United States. Regulations pertaining to preventing the interstate spread of communicable diseases are contained in 21 CFR Parts 1240 and 1250.

(b) As used in this part the term:

"Carrier" means a ship, aircraft, train, road vehicle, or other means of transport, including military.

"Communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person or animal or a reservoir to a susceptible host, either directly, or indirectly through an intermediate animal host, vector, or the inanimate environment.

"Contamination" means the presence of undesirable substances or material which may contain infectious agents or their toxic products.

"Controlled Free Pratique" means permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.

"Deratting Certificate" means a certificate issued under the instructions of the Director, in the form prescribed by the International Health Regulations, recording the inspection and deratting of the ship.

"Deratting Exemption Certificate" means a certificate issued under the instructions of the Director, in the form prescribed by the International Health Regulations, recording the inspection and exemption from deratting of the ship which is rodent free.

"Detention" means the temporary holding of a person, ship, aircraft, or other carrier, animal, or thing in such place and for such period of time as may be determined by the Director.

"Director" means the Director, Centers for Disease Control, Public Health Service, Department of Health and Human Services, or his/her authorized representative.

"Disinfection" means the killing of infectious agents or inactivation of their toxic products outside the body by direct exposure to chemical or physical agents.

"Disinfestation" means any chemical or physical process serving to destroy or remove undesired small animal forms, particularly arthropods or rodents, present upon the person, the clothing, or the environment of an individual, or upon animals and carriers.

"Disinsection" means the operation in which measures are taken to kill the insect vectors of human disease present in carriers and containers.

"Educational purpose" means use in the teaching of a defined educational program at the university level or equivalent.

"Exhibition purpose" means use as a part of a display in a facility comparable to a zoological park or in a trained animal act. The animal display must be open to the general public at routinely scheduled hours on 5 or more days of each week. The trained animal act must be routinely scheduled for multiple performances each week and open to the general public except for reasonable vacation and retraining periods.

"Ill person" means a person who:

(1) Has a temperature of 100 °F. (or 38 °C.) or greater, accompanied by a rash, glandular swelling, or jaundice, or which has persisted for more than 48 hours; or

(2) Has diarrhea, defined as the occurrence in a 24-hour period of three or more loose stools or of a greater than normal (for the person) amount of loose stools.

"International Health Regulations" means the International Health Regulations of the World Health Organization, adopted by the Twenty-Second World Health Assembly in 1969, as amended by the Twenty-Sixth World Health Assembly in 1973, the Thirty-Fourth World Health Assembly in 1981, and as may be further amended.

"International voyage" means: (1) In the case of a carrier, a voyage between ports or airports of more than one country, or a voyage between ports or airports of the same country if the ship or aircraft stopped in any other country on its voyage; or (2) in the case of a person, a voyage involving entry into a country other than the country in which that person begins his/her voyage.

"Isolation" means: (1) When applied to a person or group of persons, the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection; or (2) when applied to animals, the separation of an animal or group of animals from persons, other animals, or vectors of disease in such a manner as to prevent the spread of infection.

"Military services" means the U.S. Army, the U.S. Air Force, the U.S. Navy, and the U.S. Coast Guard.

"Scientific purpose" means use for scientific research following a defined protocol and other standards for research projects as normally conducted at the university level. The term also includes the use for safety testing, potency testing, and other activities related to the production of medical products.

"Surveillance" means the temporary supervision of a person who may have or has been exposed to a communicable disease.

"U.S. port" means any seaport, airport, or border crossing point under the control of the United States.

"United States" means the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"Vector" means an animal (including insects) or thing which conveys or is capable of conveying infectious agents from a person or animal to another person or animal.

§ 71.2 Penalties.

Any person violating any provision of these regulations shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, as provided in section 368 of the Public Health Service Act (42 U.S.C. 271).

§ 71.3 Designation of yellow fever vaccination centers; Validation stamps.

(a) *Designation of yellow fever vaccination centers.* (1) The Director is responsible for the designation of yellow fever vaccination centers authorized to issue certificates of vaccination. This responsibility is delegated by the Director to a State or territorial health department with respect to yellow fever vaccination activities of non-Federal medical, public health facilities, and licensed physicians functioning within the respective jurisdictions of a State or territorial health department. Designation may be made upon application and presentation of evidence satisfactory to a State or territorial health department that the applicant has adequate facilities and professionally trained personnel for the handling, storage, and administration of a safe, potent, and pure yellow fever vaccine. Medical facilities of Federal agencies are authorized to obtain yellow fever vaccine without being designated as a yellow fever vaccination center by the Director.

(2) A designated yellow fever vaccination center shall comply with the instruction issued by the Director or by a delegated officer or employee of a State or territorial health department for the handling, storage, and administration of yellow fever vaccine. If a designated center fails to comply with such instruction, after notice to the center, the Director or, for non-Federal centers, a State or territorial health department, may revoke designation.

(b) *Validation stamps.* International Certificates of Vaccination against cholera and yellow fever issued for vaccinations performed in the United States shall be validated by:

(1) The Seal of the Public Health Service; or

(2) The Seal of the Department of State; or

(3) The stamp of the Department of Defense; or

(4) The stamp issued to the National Aeronautics and Space Administration; or

(5) The stamp issued by a State or territorial health department; or

(6) An official stamp of a design and size approved by the Director for such purpose.

Subpart B—Measures at Foreign Ports

§ 71.11 Bills of health.

A carrier at any foreign port clearing or departing for any U.S. port shall not be required to obtain or deliver a bill of health.

Subpart C—Notice of Communicable Disease Prior to Arrival

§ 71.21 Radio report of death or illness.

(a) The master of a ship destined for a U.S. port shall report immediately to the quarantine station at or nearest the port at which the ship will arrive, the occurrence, on board, of any death or any ill person among passengers or crew (including those who have disembarked or have been removed) during the 15-day period preceding the date of expected arrival or during the period since departure from a U.S. port (whichever period of time is shorter).

(b) The commander of an aircraft destined for a U.S. airport shall report immediately to the quarantine station at or nearest the airport at which the aircraft will arrive, the occurrence, on board, of any death or ill person among passengers or crew.

(c) In addition to (a) of this section, the master of a ship carrying 13 or more passengers must report by radio 24 hours before arrival the number of cases (including zero) of diarrhea in passengers and crew recorded in the ship's medical log during the current cruise. All cases of diarrhea that occur after the 24 hour report must also be reported not less than 4 hours before arrival.

(Approved by the Office of Management and Budget under control number 0920-0134)

Subpart D—Health Measures at U.S. Ports: Communicable Diseases

§ 71.31 General provisions.

(a) Upon arrival at a U.S. port, a carrier will not undergo inspection unless the Director determines that a failure to inspect will present a threat of introduction of communicable diseases into the United States, as may exist when the carrier has on board individual(s) reportable in accordance with § 71.21 or meets the circumstances described in §71.42. Carriers not subject to inspection under this section will be subject to sanitary inspection under § 71.41 of this part.

(b) The Director may require detention of a carrier until the completion of the measures outlined in this part that are necessary to prevent the introduction or spread of a communicable disease. The Director may issue a controlled free

pratique to the carrier stipulating what measures are to be met, but such issuance does not prevent the periodic boarding of a carrier and the inspection of persons and records to verify that the conditions have been met for granting the pratique.

§ 71.32 Persons, carriers, and things.

(a) Whenever the Director has reason to believe that any arriving person is infected with or has been exposed to any of the communicable diseases listed in (b) of this section, he/she may detain, isolate, or place the person under surveillance and may order disinfection or disinfestation as he/she considers necessary to prevent the introduction, transmission, or spread of the listed communicable diseases.

(b) The communicable diseases authorizing the application of sanitary, detention, and/or isolation measures under (a) of this section are: cholera or suspected cholera, diphtheria, infectious tuberculosis, plague, suspected smallpox, yellow fever, or suspected viral hemorrhagic fevers (Lassa, Marburg, Ebola, Congo-Crimean, and others not yet isolated or named).

(c) Whenever the Director has reason to believe that any arriving carrier or article or thing on board the carrier is or may be infected or contaminated with a communicable disease, he/she may require detention, disinsection, disinfection, disinfestation, fumigation, or other related measures respecting the carrier or article or thing as he/she considers necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 71.33 Persons: Isolation and surveillance.

(a) Persons held in isolation under this subpart may be held in facilities suitable for isolation and treatment.

(b) The Director may require isolation where surveillance is authorized in this subpart whenever the Director considers the risk of transmission of infection to be exceptionally serious.

(c) Every person who is placed under surveillance by authority of this subpart shall, during the period of surveillance:

(1) Give information relative to his/her health and his/her intended destination and report, in person or by telephone, to the local health officer having jurisdiction over the areas to be visited, and report for medical examinations as may be required;

(2) Upon arrival at any address other than that stated as the intended designation when placed under surveillance, or prior to departure from the United States, inform, in person or by telephone, the health officer serving the health jurisdiction from which he/she is departing.

(d) From time to time the Director may, in accordance with section 322 of the Public Health Service Act, enter into agreements with public or private medical or hospital facilities for providing care and treatment for persons detained under this part.

(Approved by the Office of Management and Budget under control number 0920-0134)

§ 71.34 Carriers of U.S. military services.

(a) Carriers belonging to or operated by the military services of the United States may be exempted from inspection if the Director is satisfied that they have complied with regulations of the military services which also meet the requirements of the regulations in this part. (For applicable regulations of the military services, see Army Regulation No. 40-12, Air Force Regulation No. 161-4, Secretary of the Navy Instruction 6210.2, and Coast Guard Commandant Instruction 6210.2).

(b) Notwithstanding exemption from inspection of carriers under this section, animals or articles on board shall be required to comply with the applicable requirements of Subpart F of this part.

§ 71.35 Report of death or illness on carrier during stay in port.

The master of any carrier at a U.S. port shall report immediately to the quarantine station at or nearest the port the occurrence, on board, of any death or any ill person among passengers or crew.

(Approved by the Office of Management and Budget under control number 0920-0134)

Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection

§ 71.41 General provisions.

Carriers arriving at a U.S. port from a foreign area shall be subject to a sanitary inspection to determine whether there exists rodent, insect, or other vermin infestation, contaminated food or water, or other insanitary conditions requiring measures for the prevention of the introduction, transmission, or spread of communicable disease.

§ 71.42 Disinfection of imports.

When the cargo manifest of a carrier lists articles which may require disinfection under the provisions of this part, the Director shall disinfect them on board or request the appropriate customs officer to keep the articles separated from the other cargo pending appropriate disposition.

§ 71.43 Exemption for mails.

Except to the extent that mail contains any article or thing subject to restrictions under Subpart F of this part, nothing in the regulations in this part shall render liable to detention, disinfection, or destruction any mail conveyed under the authority of the postal administration of the United States or of any other Government.

§ 71.44 Disinsection of aircraft.

(a) The Director may require disinsection of an aircraft if it has left a foreign area that is infected with insect-borne communicable disease and the aircraft is suspected of harboring insects of public health importance.

(b) Disinsection shall be the responsibility of the air carrier or, in the case of aircraft not for hire, the pilot in command, and shall be subject to monitoring by the Director.

(c) Disinsection of the aircraft shall be accomplished immediately after landing and blocking.

(1) The cargo compartment shall be disinsected before the mail, baggage, and other cargo are discharged.

(2) The rest of the aircraft shall be disinsected after passengers and crew deplane.

(d) Disinsection shall be performed with an approved insecticide in accordance with the manufacturer's instructions. The current list of approved insecticides and sources may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333.

§ 71.45 Food, potable water, and waste: U.S. seaports and airports.

(a) Every seaport and airport shall be provided with a supply of potable water from a watering point approved by the Commissioner of Food and Drugs, Food and Drug Administration, in accordance with standards established in Title 21, Code of Federal Regulations, Parts 1240 and 1250.

(b) All food and potable water taken on board a ship or aircraft at any seaport or airport intended for human consumption thereon shall be obtained from sources approved in accordance with regulations cited in (a) of this section.

(c) Aircraft inbound or outbound on an international voyage shall not discharge over the United States any excrement, or waste water or other polluting materials. Arriving aircraft shall discharge such matter only at servicing areas approved under regulations cited in (a) of this section.

§ 71.46 Issuance of Deratting Certificates and Deratting Exemption Certificates.

Valid Deratting Certificates or Deratting Exemption Certificates are not required for ships to enter a U.S. seaport. In accordance with Article 17 of the International Health Regulations, the Public Health Service may perform rodent infestation inspections and issue Deratting Certificates and Deratting Exemption Certificates.

§ 71.47 Special provisions relating to airports: Office and isolation facilities.

Each U.S. airport which receives international traffic shall provide without cost to the Government suitable office, isolation, and other exclusive space for carrying out the Federal responsibilities under this part.

§ 71.48 Carriers in intercoastal and interstate traffic.

Carriers, on an international voyage, which are in traffic between U.S. ports, shall be subject to inspection as described in § 71.31 and § 71.41 when there occurs on board, among passengers or crew, any death, or any ill person, or when illness is suspected to be caused by insanitary conditions.

Subpart F—Importations

§ 71.51 Dogs and cats.

(a) *Definitions.*

As used in this section the term:

"Cat" means all domestic cats.

"Confinement" means restriction of a dog or cat to a building or other enclosure at a U.S. port, en route to destination and at destination, in isolation from other animals and from persons except for contact necessary for its care or, if the dog or cat is allowed out of the enclosure, muzzling and keeping it on a leash.

"Dog" means all domestic dogs.

"Owner" means owner or agent.

"Valid rabies vaccination certificate" means a certificate which was issued for a dog not less than 3 months of age at the time of vaccination and which—

(1) Identifies a dog on the basis of breed, sex, age, color, markings, and other identifying information.

(2) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog at a U.S. port.

(3) Specifies a date of expiration which is after the date of arrival of the dog at a U.S. port. If no date of expiration is specified, then the date of vaccination shall be no more than 12 months before the date of arrival at a U.S. port.

(4) Bears the signature of a licensed veterinarian.

(b) *General requirements for admission of dogs and cats.*—(1) *Inspection by Director.* The Director shall inspect all dogs and cats which arrive at a U.S. port, and admit only those dogs and cats which show no signs of communicable disease as defined in § 71.1.

(2) *Examination by veterinarian and confinement of dogs and cats.* When, upon inspection, a dog or cat does not appear to be in good health on arrival (e.g., it has symptoms such as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the Director may require prompt confinement and give the owner an opportunity to arrange for a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The Director will consider the findings of the examination and tests in determining whether or not the dog or cat may have a communicable disease. The owner shall bear the expense of the examination, tests, and treatment. When it is necessary to detain a dog or cat pending determination of its admissibility, the owner shall provide confinement facilities which in the judgment of the Director will afford protection against any communicable disease. The owner shall bear the expense of confinement. Confinement shall be subject to conditions specified by the Director to protect the public health.

(3) *Record of sickness or death of dogs and cats and requirements for exposed animals.* (i) The carrier responsible for the care of dogs and cats shall maintain a record of sickness or death of animals en route to the United States and shall submit the record to the quarantine station at the U.S. port upon arrival. Dogs or cats which have become sick while en route or are dead on arrival shall be separated from other animals as soon as the sickness or death is discovered, and shall be held in confinement pending any necessary examination as determined by the Director.

(ii) When, upon inspection, a dog or cat appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed dog or cat shall be admitted only if examination or tests made on arrival reveal no evidence that the animal may be infected with a communicable disease. The provisions of (b)(2) of this section shall be applicable to the examination or tests.

(4) *Sanitation.* When the Director finds that the cages or other containers of dogs or cats arriving in the United States are in an insanitary or other condition that may constitute a communicable disease hazard, the dogs or cats shall not be admitted in such containers unless the owner has the containers cleaned and disinfected.

(c) *Rabies vaccination requirements for dogs.* (1) A valid rabies vaccination certificate is required at a U.S. port for admission of a dog unless the owner submits evidence satisfactory to the Director that:

(i) If a dog is less than 6 months of age, it has been only in a country determined by the Director to be rabies-free (a current list of rabies-free countries may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333); or

(ii) If a dog is 6 months of age or older, for the 6 months before arrival, it has been only in a country determined by the Director to be rabies-free; or

(iii) The dog is to be taken to a research facility to be used for research purposes and vaccination would interfere with its use for such purposes.

(2) Regardless of the provisions of (c)(1) of this section, the Director may authorize admission as follows:

(i) If the date of vaccination shown on the vaccination certificate is less than 30 days before the date of arrival, the dog may be admitted, but must be confined until at least 30 days have elapsed since the date of vaccination;

(ii) If the dog is less than 3 months of age, it may be admitted, but must be confined until vaccinated against rabies at 3 months of age and for at least 30 days after the date of vaccination;

(iii) If the dog is 3 months of age or older, it may be admitted, but must be confined until it is vaccinated against rabies. The dog must be vaccinated within 4 days after arrival at destination but no more than 10 days after arrival at a U.S. port. It must be kept in confinement for at least 30 days after the date of vaccination.

(3) When a dog is admitted under (c)(2) of this section, the Director shall notify the health department or other appropriate agency having jurisdiction at the point of destination and shall provide the address of the specified place of confinement and other pertinent information to facilitate surveillance and other appropriate action.

(d) *Certification requirements.* The owner shall submit such certification regarding confinement and vaccination prescribed under this section as may be required by the Director.

(e) *Additional requirements for the importation of dogs and cats.* Dogs and cats shall be subject to such additional requirements as may be deemed necessary by the Director or to exclusion if coming from areas which

the Director has determined to have high rates of rabies.

(f) *Requirements for dogs and cats in transit.* The provisions of this section shall apply to dogs and cats transported through the United States from one foreign country to another, except as provided below:

(1) Dogs and cats that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo examination or tests as provided in (b)(3) of this section if the Director determines that the conditions under which they are being transported will afford adequate protection against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are transported by aircraft or ship and retained in custody of the carrier under conditions that would prevent transmission of rabies.

(g) *Disposal of excluded dogs and cats.* A dog or cat excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exportation, it shall be detained at the owner's expense in the custody of the U.S. Customs Service at the U.S. port.

(Approved by the Office of Management and Budget under control number 0920-0134)

§ 71.52 Turtles, tortoises, and terrapins.

(a) *Definitions.*

As used in this section the term:

"Turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia*, except marine species (Families *Dermochelidae* and *Cheloniidae*).

(b) *Importation; general prohibition.* Except as otherwise provided in this section, live turtles with a carapace length of less than 4 inches and viable turtle eggs may not be imported into the United States.

(c) *Exceptions.* (1) Live turtles with a carapace length of less than 4 inches and viable turtle eggs may be imported into the United States, provided that such importation is not in connection with a business, and the importation is limited to lots of fewer than seven live turtles or fewer than seven viable turtle eggs, or any combinations of such turtles and turtle eggs totaling fewer than seven, for any entry.

(2) Seven or more live turtles with a carapace length of less than 4 inches, or seven or more viable turtle eggs or any combination of turtles and turtle eggs totaling seven or more, may be imported into the United States for bona fide scientific or educational purposes or for exhibition when accompanied by a permit issued by the Director.

(3) The requirements in (c)(1) and (c)(2) of this section shall not apply to the eggs of marine turtles excluded from these regulations under § 71.52(a).

(d) *Application for permits.* Applications for permits to import turtles, as set forth in (c)(2) of this section, shall be made by letter to the Director, and shall contain, identify, or describe, the name and address of the applicant, the number of specimens, and the common and scientific names of each species to be imported, the holding facilities, the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with *Salmonella* and *Arizona* bacteria, and any other information and assurances the Director may require.

(e) *Criteria for issuance of permits.* A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to prevent infection of members of the public with *Salmonella* and *Arizona* bacteria and on condition that the holder of the permit will provide such reports as the Director may require.

(f) *Interstate Regulations.* Upon admission at a U.S. Port, turtles and viable turtle eggs become subject to Food and Drug Administration Regulations (21 CFR 1240.62) regarding general prohibition.

(g) *Other permits.* Permits to import certain species of turtles may be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

(Approved by the Office of Management and Budget under control number 0920-0134)

§ 71.53 Nonhuman primates.

(a) *Definitions.*

As used in this section the term:

"Importer" means any person or corporation, partnership, or other organization, receiving live nonhuman primates from a foreign country within a period of 31 days, beginning with the importation date, whether or not the primates were held for part of the period at another location. The term "importer" includes the original importer and any other person or organization receiving imported primates within the 31-day period.

"Nonhuman primates" means all nonhuman members of the Order Primates, including, but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarin, lemurs, and lorises.

(b) *General prohibition.* No person or organization may import live nonhuman primates into the United States unless registered as an importer in accordance with applicable provisions of this section.

(c) *Uses for which nonhuman primates may be imported and distributed.* Live nonhuman primates may be imported into the United States and sold, resold, or otherwise distributed only for bona fide scientific, educational, or exhibition purposes. The importation of nonhuman primates for use in breeding colonies is also permitted provided that all offspring will be used only for scientific, educational, or exhibition purposes. The maintenance of nonhuman primates as pets, hobby, or an avocation with occasional display to the general public is not a permissible use.

(d) *Registration of importers.* (1) Importers of nonhuman primates shall register with the Director in a manner prescribed by the Director.

(2) Documentary evidence that an importer will use all nonhuman primates solely for the permitted purposes is required.

(3) Registration shall inlcude certification that the nonhuman primates will not be shipped, sold, or otherwise transferred to other persons or organizations without adequate proof that the primates will be used only for the permitted purposes.

(4) Registration shall be for 2 years, effective the date the application for registration is approved by the Director.

(5) Registration may be renewed by filing a registration application form with the Director not less than 30 days nor more than 60 days before expiration of the current registration.

(e) *Recordkeeping and reporting requirement for registered importers.* (1) Importers shall maintain records on each shipment of imported nonhuman primates received. The record on each shipment shall include the number of primates received, species, country of origin, date of importation, the number of primates in the shipment that die within 90 days after receipt, and cause(s) of deaths. If any primates in the shipment are sold or otherwise distributed within 90 days after receipt, the record shall include the number of primates in each shipment or sale, the dates of each shipment or sale, and the identity of the recipients. In addition, the record shall contain copies of documents that were presented to the importer to establish that the recipient would use the primates solely for the permitted purposes. The records shall be maintained in an organized manner in a

central location at or in close proximity to the importer's primate holding facility. The records shall be maintained for a period of 3 years and shall be available for inspection by the Director at any time.

(2) Importers shall report to the Director by telephone within 24 hours the occurrence of any illness in nonhuman primates that is suspected of being yellow fever, monkeypox, or Marburg/Ebola disease.

(3) Importers also shall report to the Director by telephone within 24 hours the occurrence of illness in any member of their staff suspected of having an infectious disease acquired from nonhuman primates.

(f) *Disease control measures.* Upon receipt of evidence of exposure of nonhuman primates to a communicable disease that may constitute a threat to public health, the Director may provide for or require examination, treatment, detention, isolation, seizure, or destruction of exposed animals. Any measures required shall be at the owner's expense.

(g) *Disposal of excluded nonhuman primates.* Nonhuman primate(s) excluded from the United States by provisions of this section shall, at the owner's option and expense, be exported, destroyed, or given to a scientific, educational, or exhibition facility under arrangements approved by the Director. If the owner fails to dispose of the nonhuman primate by one of the approved options or fails to select a method of disposal within 7 days, the Director will select the method of disposal. Pending disposal, the nonhuman primate(s) shall be detained at the owner's expense in custody of the U.S. Customs Service at the U.S. port.

(h) *Revocation of an importer's registration.* (1) An importer's registration may be revoked by the Director, upon notice to the importer holding such registration, if the Director determines that the importer has failed to comply with any applicable provisions of this section. The notice shall contain a statement of the grounds upon which the revocation is based.

(2) The importer may file an answer within 20 days after receipt of the notice. Answers shall admit or deny specifically, and in detail, each allegation in the notice. Allegations in the notice not denied by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the importer to file an answer within 20 days after receipt of the notice may be deemed an admission of all allegations of fact recited in the notice.

(3) The importer shall be entitled to a hearing with respect to the revocation upon filing a written request, either in the answer or in a separate document, with the Director within 20 days after the effective date of revocation. Failure to request a hearing shall be deemed a waiver of hearing and as consent to the submission of the case to the Director for decision based on the written record. The failure both to file an answer and to request a hearing shall be deemed to constitute consent to the making of a decision on the basis of available information.

(4) As soon as practicable after the completion of any hearing conducted pursuant to the provisions of this section, the Director shall render a final decision. A copy of such decision shall be served on the importer.

(5) An importer's registration which has been revoked may be reinstated by the Director upon inspection, examination of records, conference with the importer, and receipt of information and assurances of compliance with the requirements of this section.

(i) *Other permits.* In addition to the requirements under this section, permits to import certain species of nonhuman primates may also be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

(Approved by the Office of Management and Budget under control number 0920-0134)

§ 71.54 Etiological agents, hosts, and vectors.

(a) A person may not import into the United States, nor distribute after importation, any etiological agent or any arthropod or other animal host or vector of human disease, or any exotic living arthropod or other animal capable of being a host or vector of human disease unless accompanied by a permit issued by the Director.

(b) Any import coming within the provisions of this section will not be released from custody prior to receipt by the District Director of the U.S. Customs Service of a permit issued by the Director.

§ 71.55 Dead bodies.

The remains of a person who died of a communicable disease listed in § 71.32(b) may not be brought into a U.S. port unless the body is (a) properly embalmed and placed in a hermetically sealed casket, (b) cremated, or (c) accompanied by a permit issued by the Director.

[FR Doc. 85-872 Filed 1-10-85; 8:45 am]
BILLING CODE 4160-18-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 170, 171, 172, 173 and 174

[CGD 83-067]

Updates of References to 46 U.S.C. in 46 CFR Subchapter S

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Numerous general maritime shipping laws related to vessels and seamen were recently codified and enacted into positive law as Subtitle II of Title 46, United States Code (46 U.S.C. 2101 through 13110). The purpose of this final rule is to amend the authority citations and references in 46 CFR Subchapter S to conform with the changes to Title 46 U.S.C.

EFFECTIVE DATE: Effective January 11, 1985.

FOR FURTHER INFORMATION CONTACT: LCDR D. L. Crede, Project Manager, Office of Merchant Marine Safety, 202-426-2197.

SUPPLEMENTARY INFORMATION: Public Law 98-89, August 26, 1983, revised and consolidated over 300 statutes related to vessel inspections, marine casualties, licenses and documents issued to seamen, manning of vessels, seamen protection and relief, identification of vessels and state boating safety programs. In their place Pub. L. 98-89 enacted an organized statement of the law concerning marine safety and the welfare of seamen as Subtitle II of Title 46 U.S.C. The revision and consolidation did not substantially affect the authority of the Coast Guard to promulgate regulations covered by this final rule. Regulations in effect under a statute repealed by Pub. L. 98-89 continue in effect under the corresponding provision of Pub. L. 98-89. The repeal of so many of the older statutes by the enactment of Pub. L. 98-89, however, makes it desirable to amend Title 46 of the Code of Federal Regulations where citations or references are made to Title 46 U.S.C.

This rule amends 46 CFR Subchapter S by changing the citations and references therein to conform with the changes to Title 46 U.S.C. Citations and references to statutes repealed by Pub. L. 98-89 are replaced with citations and references to the corresponding parts of Pub. L. 98-89. Amendments for correcting the citations and references in other subchapters of Title 46 CFR will be published as they are developed.

Because this amendment is merely editorial, the Coast Guard finds that

notice and comments under 5 U.S.C. 553(b) are unnecessary. This revision is effective immediately under 5 U.S.C. 553(d) because it is not a substantive rule.

This amendment is promulgated under 46 U.S.C. 2101, 2104, 3301, 3306, 3316, 46 App. U.S.C 86, 88a; 43 U.S.C. 1333(d); 50 U.S.C. 198; 49 CFR 1.46. This amendment is strictly limited to updating citations and it is not to be interpreted or understood as a direct or indirect repromulgation, reaffirmation, revision or approval of the current CFR text. While every effort has been made to check the accuracy of each citation this is not a final determination of the applicability of any citation to any regulations. These issues will be addressed gradually in the scheduled review of all existing regulations.

Drafting Information

The principal persons involved in drafting this document are Eugene Holler, and LCDR D. L. Crede, Project Managers, Office of Merchant Marine Safety, and Michale N. Mervin, Project Counsel, Office of the Chief Counsel.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This rulemaking merely corrects the citations and references to Title 46 U.S.C. There is no change to current Coast Guard regulations or procedures.

Regulatory Flexibility Evaluation

Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects

46 CFR Part 170

Marine safety, Subdivision, Stability, Vessels, Tank vessels, Cargo vessels, Nuclear vessels, Passenger vessels, Oceanographic vessels, Sailing vessels, Nautical schools, Tugboats, Towboats, Mobile offshore drilling units, Barges, Grain, Oil and gas exploration, Hazardous materials transportation, Gases, Natural gas, Incorporation by reference.

46 CFR Part 171

Marine safety, Subdivision, Stability, Vessels, Passenger vessels, Sailing vessels, Barges, Incorporation by reference.

46 CFR Part 172

Marine safety, Subdivision, Stability, Vessels, Tank vessels, Cargo vessels, Passenger vessels, Sailing vessels, Barges, Grain, Oil and gas exploration, Hazardous materials transportation, Gases, Natural gas.

46 CFR Part 173

Marine safety, Subdivision, Stability, Vessels, Cargo vessels, Oceanographic vessels, Nautical schools, Tugboats, Towboats, Barges.

46 CFR Part 174

Marine safety, Subdivision, Stability, Vessels, Cargo vessels, Nuclear vessels, Tugboats, Towboats, Mobile offshore drilling units, Barges, Oil and gas exploration.

In consideration of the foregoing, the Coast Guard hereby amends Subchapter S of Chapter I of Title 46 Code of Federal Regulations as set forth below.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

1. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2101, 2104, 3301, 3306, 3316; 46 App. U.S.C. 86, 88a; 43 U.S.C. 1333(d); 50 U.S.C. 198; 49 CFR 1.46.

PART 171—SPECIAL RULES PERTAINING TO VESSELS CARRYING PASSENGERS

2. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2101, 2104, 3301, 3306, 3316; 46 App. U.S.C. 86, 88a; 43 U.S.C. 1333(d); 50 U.S.C. 198; 49 CFR 1.46.

PART 172—SPECIAL RULES PERTAINING TO BULK CARGOES

3. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2101, 2104, 3301, 3306, 3316; 46 App. U.S.C. 86, 88a; 43 U.S.C. 1333(d); 50 U.S.C. 198; 49 CFR 1.46.

PART 173—SPECIAL RULES PERTAINING TO VESSEL USE

4. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2101, 2104, 3301, 3306, 3316; 46 App. U.S.C. 86, 88a; 43 U.S.C. 1333(d); 50 U.S.C. 198; 49 CFR 1.46.

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

5. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2101, 2104, 3301, 3306, 3316; 46 App. U.S.C. 86, 88a; 43 U.S.C. 1333(d); 50 U.S.C. 198; 49 CFR 1.46, except as otherwise noted.

Dated: January 7, 1985.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 85-738 Filed 1-10-85; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 81-893; FCC 84-652]

Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry)

AGENCY: Federal Communications Commission.

ACTION: Sixth report and order.

SUMMARY: The Order creates a framework under which certain Federal agencies will be able to obtain equipment and service needed for national security and emergency preparedness (NSEP) communications. The framework the Commission is creating will allow AT&T, through its subsidiaries AT&T Communications (AT&T-C) and AT&T Information Systems, and the Bell Operating Companies (BOCs) to provide specified Federal agencies with customer premises equipment for certain NSEP systems and in certain emergency situations. The core of this framework is a waiver which will allow AT&T-C and the BOCs to act as a single point of contact for these agencies to facilitate the operation, maintenance, and servicing of NSEP CPE.

EFFECTIVE DATE: January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Geoffrey Jarvis, Kent Nilsson, (202) 632-9342.

Sixth Report and Order

In the matter of Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry); CC Docket No. 81-893, FCC 84-652.

Adopted: December 21, 1984.
Released: January 4, 1985.