into the United States. Therefore, we are proposing to amend § 93.308(a)(3) of the regulations to exempt horses imported from Iceland from testing for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. However, horses imported from Iceland would still have to be quarantined and undergo any tests and procedures that may be required by the Administrator to determine their freedom from communicable diseases.

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 proposed rule would exempt horses imported into the United States from Iceland from the requirement for testing for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. As explained previously in this document, we believe that there is a negligible risk of horses imported from Iceland introducing dourine, glanders, equine piroplasmosis, and EIA into the United States.

U.S. importers of horses from Iceland would be affected by this rule if it is adopted. These importers would no longer be required to have horses that are imported from Iceland tested for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. The test for EIA costs $5; the tests for equine piroplasmosis cost $9 for each strain for a total of $18; the test for dourine costs $9; and the test for glanders costs $9. Therefore, importers would save a total of $41 on each horse imported from Iceland. Horses imported from Iceland would still be required to undergo a 3-day quarantine after arrival in the United States and undergo any other tests and procedures that may be required by APHIS to determine their freedom from communicable diseases.

According to the 1997 Census of Agriculture, the United States had a total population of at least 2,427,277 horses in that year. In 1999, the United States exported 78,702 horses valued at $293 million, and imported 30,398 horses valued at $326 million. However, only 166 (less than 1 percent) of those horses were imported from Iceland. The total number of horses imported from Iceland is small due in part to the prices of these horses, which averaged $4,367. All of the horses imported from Iceland in 1999 were nonpurebred horses. As a comparison, nonpurebred horses imported from Canada into the United States had an average value of $1,450 in 1999.

The overall impact of this proposed rule, if adopted, should be small. Importers would save on the importation of horses, but the overall savings would be small. Had this rule been in place in 1999 and applied to the 166 horses imported from Iceland in that year, importers would have saved a total of $6,806.

APHIS does not expect that the number of horses imported from Iceland into the United States would increase significantly as a result of this proposed rule. The cost reduction associated with this proposed rule would be less than 1 percent of the average price of those horses imported from Iceland into the United States in 1999. Therefore, this proposed rule is not expected to have a significant impact on U.S. importers of horses from Iceland, regardless of their size.

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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

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

Accordingly, we propose to amend 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 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, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

2. In § 93.308, paragraph (a)(3) would be revised to read as follows:

§ 93.308 Quarantine requirements.

(a) * * *

(3) To qualify for release from quarantine, all horses, except horses from Iceland, must test negative to official tests for dourine, glanders, equine piroplasmosis, and equine infectious anemia.[14] However, horses imported from Australia and New Zealand are exempt from testing for dourine and glanders. In addition, all horses must undergo any other tests, inspections, disinfections, and precautionary treatments that may be required by the Administrator to determine their freedom from communicable diseases.

* * * * *

Done in Washington, DC, this 12th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9625 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 101

[Docket No. 99–040–2]

Viruses, Serums, Toxins, and Analogous Products; Definitions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule to amend the Virus-Serum-Toxin Act regulations by adding a definition of the term *dog*. The proposed rule would have defined the term *dog* to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. The effect of the

[14] Because the official tests for dourine and glanders are performed only at the National Veterinary Services Laboratories in Ames, IA, the protocols for those tests have not been published and are, therefore, not available; however, copies of ''Protocol for the Complement-Fixation Test for Equine Piroplasmosis'' and ''Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia'' may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231.

proposed rule would have been to allow canine vaccines that are recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross. We are withdrawing the proposed rule due to the comments we received following its publication.

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations at 9 CFR part 101 contain definitions of terms used in the regulations concerning veterinary biologics in 9 CFR parts 101 through 117. On September 28, 1999, we published in the **Federal Register** (64 FR 52247–52248, Docket No. 99–040–1) a proposed rule to amend the regulations by adding a definition of *dog* to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. The proposed action would have allowed canine vaccines that are recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross.

The question of whether rabies vaccines approved for use in dogs should be recommended for use in wolves and wolf-dog crosses has been under consideration for at least 5 years. After domestic dogs were reclassified as members of the species *Canis lupus* (gray wolf) in the 1993 edition of the Smithsonian Institute's ''Mammal Species of the World, a Taxonomic and Geographic Reference,'' owners of wolves and wolf-dog crosses petitioned the Animal and Plant Health Inspection Service (APHIS) to allow the use of canine rabies vaccines in their animals.

In April 1996, APHIS hosted a meeting to discuss the issue. Experts from the disciplines of animal taxonomy, molecular genetics, veterinary immunology, wildlife biology, and veterinary public health attended. The meeting did not result in a clear consensus among the participants that the immune systems of wolves and dogs are equivalent. Therefore, APHIS took no further action regarding the petition. However, after supporters of the petition submitted followup data showing that over 600 wolves and wolf-dog crosses were vaccinated with canine vaccines without any reported adverse reactions, APHIS decided to publish the proposed rule.

We solicited comments concerning our proposal for 60 days ending on November 29, 1999. We received 79 comments by that date. The comments were from an animal welfare organization, animal rescue organizations, veterinary care facilities, a veterinary biologics manufacturer, veterinary associations, universities, a State agency, wolf and lupine organizations, a wildlife foundation, and private citizens. Most of the commenters who expressed support for the proposed rule were owners and/or fanciers of wolves and dog-wolf hybrids; however, several of the commenters who supported the proposed rule expressed concerns regarding ownership of wolves and dog-wolf crosses. Most of the commenters who were opposed to the proposed rule were concerned that the inclusion of wolves and dog-wolf crosses in the definition of *dog* would validate or encourage the ownership of wolves and dog-wolf crosses, and that such ownership could pose a risk to humans due to the unpredictable behavior of such animals. In addition, two of these commenters noted that the recommended use for a vaccine is typically supported by immunogenicity studies, and they cited the absence of such studies using wolves and dog-wolf crosses.

Many commenters who were in support of the proposed rule were of the view that failure to allow canine rabies vaccines to be recommended for use in wolves and wolf-dog crosses would create a large pool of animals that are susceptible to rabies. On the other hand, commenters also stated that canine rabies vaccines, as well as canine vaccines against other diseases, are widely used off-label. However, commenters also pointed out the fact that States do not recognize that animals administered off-label vaccines are properly vaccinated.

The commenters who opposed the proposed rule expressed three main areas of concern. First, they were of the view that there is insufficient safety and efficacy data established by controlled studies to recommend the use of the vaccines in wolves and wolf-dog crosses. Second, they did not agree that, because there was a lack of reported adverse reactions in approximately 600 vaccinated wolves and wolf-dog crosses, a valid scientific inference can be made that the products can safely and effectively be used in such animals. Third, these commenters, as well as some of those who supported the proposed rule, were concerned that including wolves and wolf-dog crosses in the definition of *dog* definitely sends the wrong message to the public. It was the opinion of the commenters that this type of change in the definition could have an implied meaning of domestication and behavioral traits normally associated with dogs. According to the commenters, such an implication would pose serious safety problems to the public. They stated that wolves and wolf-dog crosses can be highly unpredictable, have instinctive wild behaviors, and should not be promoted as ''pets.''

After carefully considering all of the comments, including those in the area of veterinary medicine and animal health, we have concluded that many of the concerns expressed about allowing canine rabies vaccines to be recommended for use in wolves and wolf-dog crosses have sufficient merit to warrant withdrawal of our proposal and reevaluation of this issue.

Therefore, we are withdrawing the September 28, 1999, proposed rule referenced above. The concerns and recommendations of all of the commenters will be considered if any new proposed regulations regarding the definition of *dog* are developed.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 12th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9624 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF ENERGY

10 CFR Part 733

RIN 1901–AA 89

Public Meetings To Obtain Input on DOE's Implementation of Federal Policy on Research Misconduct

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of public meetings and request for comments.

SUMMARY: DOE is initiating the development of a rulemaking to implement the Federal policy on research misconduct that was issued by the White House Office of Science and Technology Policy. The responsibility involves developing a DOE-complex wide policy on research misconduct and the necessary rulemaking to implement the policy. The rulemaking will include a definition of research misconduct as well as procedures for handling allegations of research misconduct. To begin this process, the DOE is holding a series of public meetings to obtain