

Since the primary purpose of this rule is to expand the pool of competent, properly supervised representative for individuals who might otherwise be unable to obtain legal representation, this comment will be accepted.

In addition, the reference to INS "regional commissioner" in 8 CFR § 292.1(a)(2)(iv) has been deleted and replaced with "regional director" in order to reflect a change in the official title of these INS officials.

#### **Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **Regulatory Flexibility Act**

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule affects only individuals in need of legal representation before INS and/or EOIR and does not have a significant economic impact on a substantial number of small entities. No additional costs will be incurred as a result of this rule. The purpose of this rule is merely to expand the pool of competent, properly supervised representatives for individuals who might otherwise be unable to obtain legal representation.

#### **Executive Order 12866**

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### **Executive Order 12612**

This rule has no Federalism implications warranting the preparation of a Federalism Assessment in

accordance with Executive Order No. 12612.

#### **Executive Order 12988**

The rule complies with the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

#### **List of Subjects in 8 CFR Part 292**

Administrative practice and procedure, Immigration, Lawyers, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, part 292 of chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

#### **PART 292—REPRESENTATION AND APPEARANCES**

1. The authority citation for part 292 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1252b, 1362.

2. In § 292.1, paragraphs (a)(2)(ii), (iii), and (iv) are revised to read as follows:

##### **§ 292.1 Representation of others.**

- (a) \* \* \*
- (2) \* \* \*

(ii) In the case of a law student, he or she has filed a statement that he or she is participating, under the direct supervision of a faculty member, licensed attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or non-profit organization, and that he or she is appearing without direct or indirect remuneration from the alien he or she represents;

(iii) In the case of a law graduate, he or she has filed a statement that he or she is appearing under the supervision of a licensed attorney or accredited representative and that he or she is appearing without direct or indirect remuneration from the alien he or she represents; and

(iv) The law student's or law graduate's appearance is permitted by the official before whom he or she wishes to appear (namely an immigration judge, district director, officer-in-charge, regional director, the Commissioner, or the Board). The official or officials may require that a law student be accompanied by the supervising faculty member, attorney, or accredited representative.

\* \* \* \* \*

Dated: April 24, 1997.

**Janet Reno,**

*Attorney General.*

[FR Doc. 97-11279 Filed 4-30-97; 8:45 am]

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#### **DEPARTMENT OF AGRICULTURE**

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

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

[Docket No. 94-136-2]

#### **Zoological Park Quarantine of Ruminants and Swine Imported From Countries Where Foot-and-Mouth Disease or Rinderpest Exists**

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations concerning ruminants and swine that are imported from a country where foot-and-mouth disease or rinderpest exists into a zoological park in the United States, to establish conditions under which such animals may be moved from one zoo to another within the United States. This change will benefit zoo programs that move animals for breeding and other purposes, and will facilitate the movement of animals for endangered species breeding programs, while continuing to protect against the introduction of dangerous animal diseases into the United States.

**EFFECTIVE DATE:** June 2, 1997.

**FOR FURTHER INFORMATION CONTACT:** Dr. Morley Cook, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1228, (301) 734-6479.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Animal and Plant Health Inspection Service (APHIS) animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock. Among other requirements, the regulations restrict the importation of ruminants and swine to prevent the introduction and spread of foot-and-mouth disease (FMD) and rinderpest.

For many years some animals imported in accordance with these regulations have been admitted under the condition that they be placed in postentry quarantine in zoological parks (zoos) that have been approved by APHIS to receive such animals. We refer to such approved zoos as PEQ Zoos, because they are approved to hold imported animals in postentry quarantine (PEQ). At these zoos, the

imported animals are maintained in facilities that prevent access to them by the public and by domestic animals, and that include requirements for waste disposal and other matters that prevent the dissemination of any diseases the animals might carry.

On October 31, 1996, we published in the **Federal Register** (61 FR 56165-56169, Docket No. 94-136-1) a proposal to amend the regulations in 9 CFR 92.404(c) and 92.504(c), by specifying the circumstances under which APHIS will consent to the movement of imported wild ruminants and swine from a PEQ Zoo to a non-PEQ zoo within the United States.

#### Comments on the proposed rule

We solicited comments concerning our proposal for 60 days ending December 30, 1996. We received 11 comments by that date. They were from zoos, zoological and endangered species associations, veterinarians and veterinary associations, and animal industry groups. All the comments supported the proposed rule, but several suggested improvements or expansion of its coverage. The comments are discussed below by topic.

Three commenters suggested that the proposed procedures for allowing movement of animals between zoos should apply not only to ruminants and swine from countries where FMD and rinderpest exist, but also to animals from countries where African swine fever (ASF), hog cholera (HC), swine vesicular disease (SVD), vesicular exanthema of swine (VES), and contagious bovine pleuropneumonia (CBPP) exist. The comments suggested that since reliable diagnostic technologies exist for these diseases, ruminants and swine from countries affected by these diseases should also be allowed to move between zoos after spending at least one year in a postentry quarantine (PEQ) zoo.

We are not making any changes to the rule in response to this comment, but we are evaluating whether the suggested changes should be made in a future rulemaking. The suggested changes are outside the scope of the current rulemaking because the proposed rule and the affected sections of the regulations deal only with rinderpest and FMD, not the other diseases mentioned by the commenters.

Three commenters suggested that the rule should allow movement not only for live animals, but for carcasses, body parts, and biological specimens, after the animal they were derived from spent at least one year in a PEQ zoo without diagnosis of disease. These commenters believe that such materials should be

allowed movement for scientific research or museum display purposes, and that they can be safely moved after the imported animal spends its first year in postentry quarantine.

We agree, and are adding the following sentence to §§ 92.404(c)(4) and 92.504(c)(4): "The Administrator will approve the movement of a carcass, body part, or biological specimen derived from an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the carcass, body part, or biological specimen will be moved only for scientific research or museum display purposes."

Two commenters questioned whether APHIS would have adequate funding and staff resources to provide the oversight, monitoring, and surveillance necessary for effective implementation of the proposed changes.

We are not making any change in response to this comment. We believe these regulations are enforceable and that we have adequate manpower to enforce them. Many variables can affect the level of resources APHIS can apply to any given program at any given time; however, APHIS intends to allocate the number of staff hours necessary to ensure animals are moved between zoos under this program safely and in compliance with the regulatory requirements.

One commenter suggested that APHIS should revise APHIS Form 65-B, which is used in animal importation, to reflect the changes in the proposed rule and to update the form to show the current location of the Animal Import Center in Newburgh, New York, instead of Clifton, New Jersey. We agree, and are updating the form; however, no change to the regulations is necessary to accomplish this revision of APHIS Form 65-B.

One commenter suggested that the regulation should explicitly define which official or group within APHIS has the authority to approve the movement of an animal from one zoo to another.

We are not making any change in response to this comment. The proposed rule stated that "The Administrator will approve the movement of an imported animal subject to this agreement . . ." In §§ 92.400 and 92.500,

"Administrator" is defined to include the Administrator of APHIS, or any other APHIS employee to whom authority has been or may be delegated to act in the Administrator's stead. Since work assignments and organizational structure may change frequently in APHIS, it is standard practice to designate the Administrator as responsible for certain decisions and activities, and to delegate this authority to specific APHIS staff using nonregulatory documentation internal to the agency, which does not require notice-and-comment rulemaking to change. Persons who are interested in determining who has been delegated authority to enforce particular sections of the regulations (such as the PEQ Zoo provisions) can readily determine this by contacting APHIS headquarters or an area office.

One commenter suggested that the rule should specify a foolproof method of animal identification to aid enforcement of the rule, and that APHIS should consider using new electronic identification technologies for this purpose.

We are not making any change in response to this comment. The proposed rule allows movement of ruminants and swine from a PEQ Zoo only to a zoo that is accredited by the American Zoo and Aquarium Association (AZA), or that has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation. We do not believe it is necessary to specify a particular means of animal identification in the final rule because zoos already have a strong incentive to effectively identify animals for their own purposes (breeding, collection management, etc.), and the AZA accreditation process is an additional safeguard to ensure that identification and record keeping is effective. Specifying a separate, Federal requirement for identification would be an unnecessary regulatory burden; our experience has been that we can effectively work with existing identification procedures employed by zoos.

Several commenters raised issues related to the proposed rule's description in the agreements in §§ 92.404(c)(4) and 92.504(c)(4), that animals may be moved from a PEQ Zoo only to a zoo accredited by the AZA, or to a non-accredited zoo that "has facilities and procedures in place related to preventing the spread of communicable animal diseases

(including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation." There was some concern that this was too open-ended, and could preclude some zoos from receiving such animals only because they do not fully comply with voluminous AZA standards that specify effective methods (but not the *only* effective methods) to safely receive and maintain the animals without risk of spreading disease.

We are not making any change based on these comments, because we believe the rule clearly states that in approving movements to such zoos, the Administrator will focus on determining whether the zoo has standards *equivalent to* the AZA for preventing the spread of animal diseases. That decision will be made based on whether the receiving zoo achieves the necessary levels of biosecurity (a performance standard approach), rather than whether the zoo employs the exact same facility and procedure standards specified by the AZA (an engineering standard approach).

#### Miscellaneous

The proposed rule used the phrase "or other communicable disease" several times in reference to the observation of any clinical evidence of disease from animals held in isolation or quarantine. That phrase was intended to refer to any other communicable animal diseases that APHIS was either trying to exclude from the United States or prevent from spreading in the United States. In the interest of maximum clarity, we are changing the phrase "or other communicable disease" in the final rule to read "or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I."

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule with the changes discussed in this document.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule allows increased movement of certain imported ruminants and swine from one zoo to another in the United States. It will not increase the number of such animals that are imported. It should not have any

appreciable impact on commerce, and will primarily benefit a small number of zoos that wish to acquire animals from other zoos or trade their own animals to other zoos.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and

(3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The existing information collection and recordkeeping requirements in §§ 92.404 and 92.504 were previously approved by the Office of Management and Budget (OMB) under OMB control number 0579-0040, and we are adding that control number at the end of these sections.

#### List of Subjects in 9 CFR Part 92

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

Accordingly, 9 CFR part 92 is amended as follows:

#### PART 92—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 92 continues to read as follows:

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 92.404, paragraph(c) is revised to read as follows:

**§ 92.404 Import permits for ruminants and for ruminant test specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.**

\* \* \* \* \*

(c) *Wild ruminants from countries where foot-and-mouth disease or*

*rinderpest exists.* This paragraph (c) applies to the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, from countries designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild ruminants will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild ruminants; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild ruminants.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported ruminants can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to an APHIS representative or the State agency responsible for livestock disease control programs.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild ruminant enters the zoo. If an APHIS veterinarian determines that an imported ruminant shows no signs of

any communicable disease or exposure to any such disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that an imported ruminant does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the ruminant's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported ruminants are to be consigned, and the importer of the ruminants, if such operator and importer are different parties, shall execute an agreement covering each ruminant or group of ruminants for which the import permit is requested. The agreement shall be in the following form:

*Agreement for the Importation, Quarantine and Exhibition of Certain Wild Ruminants and Wild Swine*

\_\_\_\_\_, operator(s) of the zoological park known as \_\_\_\_\_ (Name) located at \_\_\_\_\_ (City and state), and \_\_\_\_\_ (Importer) hereby request a permit for the importation of \_\_\_\_\_ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 92, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this country. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a country where rinderpest or foot-

and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation. The Administrator will approve the movement of a carcass, body part, or biological specimen derived from an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the carcass, body part, or biological specimen will be moved only for scientific research or museum display purposes.

(Signature of importer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Title or designation)

(Name of zoological park)

By \_\_\_\_\_  
(Signature of officer of zoological park)

(Title of officer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Title or designation)

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

3. Section 92.504, paragraph (c) is revised to read as follows:

**§ 92.504 Import permits for swine and for swine specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.**

\* \* \* \* \*

(c) *Wild swine from countries where foot-and-mouth disease or rinderpest exists.* This paragraph (c) applies to the importation of wild swine from countries designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild swine will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild swine; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild swine.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported swine can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead swine within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild swine enters the zoo. If an APHIS veterinarian determines that an imported swine shows no signs of any communicable disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that the swine does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the swine's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported swine are to be consigned, and the importer of the swine, if such operator and importer are different parties, shall execute an agreement covering each swine or group of swine for which the import permit is requested. The agreement shall be in the following form:

*Agreement for the Importation, Quarantine and Exhibition of Certain Wild Ruminants and Wild Swine*

\_\_\_\_\_, operator(s) of the zoological park known as \_\_\_\_\_ (Name) located at \_\_\_\_\_ (City and state), and \_\_\_\_\_ (Importer) hereby request a permit for the importation of \_\_\_\_\_ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 92, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this country. If

shipment is made by ocean vessel, the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation. The Administrator will approve the movement of a carcass, body part, or biological specimen derived from an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the carcass, body part, or biological specimen will be moved only for scientific research or museum display purposes.

(Signature of importer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Title or designation)

(Name of zoological park)

By \_\_\_\_\_  
(Signature of officer of zoological park)

(Title of officer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Title or designation)

(Approved by the Office of Management and Budget under control number 0579-0040.)  
Done in Washington, DC, this 24th day of April 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-11313 Filed 4-30-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Parts 304, 308, 310, 327, 381, 416, and 417

[Docket No. 97-028N]

#### Technical Conference: Review of E. coli Testing

**AGENCY:** Food Safety and Inspection Service.

**ACTION:** Notice of technical conference.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is holding a technical conference on May 8, 1997. The purpose of the conference is to provide an opportunity for industry, academia, and other interested parties to discuss with FSIS new information based on the first 3 months of testing meat and poultry for the presence of generic *E. coli* bacteria. The *E. coli* verification testing was required by FSIS's final rule "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems," published on July 25, 1996.

**DATES:** The meeting will be held from 8:30 a.m. to 4:30 p.m. on May 8, 1997.

**ADDRESSES:** The one-day conference will be held at the Holiday Inn Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, VA 22209. The hotel has reserved a block of rooms until April 24 for participants in the technical conference. Please contact the hotel at (800) 368-3408 and cite code FSI to make reservations.

#### FOR FURTHER INFORMATION CONTACT:

To register for the conference, contact Ms. Mary Gioglio at (202) 501-7244, (202) 501-7138, or FAX (202) 501-7642. To arrange for the presentation of technical data, contact Ms. Susan Knower (202) 501-6022, FAX (202) 501-6929. Presenters are asked to submit one original and two copies of written comments to: FSIS Docket Clerk, Docket #97-028N, U.S. Department of