

has no more than 1500 employees. 13 CFR 121.201.

29. *Total Number of Telephone Companies Affected.* The proposals in the FNPRM, if adopted, would affect all LECs that are regulated by the Commission's price cap rules. Currently, 13 incumbent LECs are subject to price cap regulation. We tentatively conclude that all price cap carriers have more than 1500 employees and, therefore, are not small entities.

30. *Reporting, record keeping and other compliance requirements.* It is not clear whether, on balance, all proposals in this FNPRM would increase or decrease incumbent LECs' administrative burdens.

31. We believe that the reforms proposed in the first section of the FNPRM would require price cap LECs (not small entities) to make at least one tariff filing, and possibly several additional filings, but otherwise should not affect their administrative burdens. The reforms proposed in the second section of the FNPRM may require price cap LECs (not small entities) to study the uses of the general purpose computer assets recorded in Account 2124 to determine the percentage of investment in that account that is used for billing and collection activities, but otherwise should not affect their administrative burdens.

32. *Federal rules which overlap, duplicate or conflict with this proposal.* None.

33. *Any significant alternatives minimizing impact on small entities and consistent with stated objectives.* In the FNPRM, we limit the scope of our proposals to incumbent price cap LECs, thereby not affecting small entities. We seek comment on these proposals and urge that parties support their comments with specific evidence and analysis.

3. Further Notice of Proposed Rulemaking Comment Filing Dates

34. Pursuant to applicable procedures set forth in § 1.399 and 1.411 *et seq.* of the Commission's Rules, 47 CFR 1.399, 1.411 *et seq.*, interested parties may file comments, including comments on the information collection requirements, no later than June 26, 1997, with the Secretary, Federal Communications Commission, Washington D.C. 20554. Interested parties must file replies no later than July 11, 1997, except that reply comments on the information collection requirements are due no later than July 28, 1997. To file formally in this proceeding, participants must file an original and twelve copies of all comments, reply comments, and supporting comments. If participants

want each Commissioner to receive a personal copy of their comments, an original plus 16 copies must be filed. In addition, parties should file two copies of any such pleading with the Competitive Pricing Division, Common Carrier Bureau, Room 518, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington D.C. 20554.

35. Parties submitting diskettes should submit them along with their formal filings to the Office of the Secretary. Submissions should be on a 3.5 inch diskette formatted in a DOS PC compatible form. The document should be saved in WordPerfect 5.1 for Windows format. The diskette should be submitted in "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment), docket number, and date of submission.

36. You may also file informal comments electronically via e-mail <access@fcc.gov>. Only one copy of electronically-filed comments must be submitted. You must put the docket number of this proceeding in the subject line (see the caption at the beginning of this FNPRM, or in the body of the text if by Internet). You must note whether an electronic submission is an exact copy of formal comments on the subject line. You also must include your full name and Postal Service mailing address in your submission.

37. Comments and replies must comply with Section 1.49 and all other applicable sections of the Commission's rules. We also direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and replies. Comments and replies must also clearly identify the specific portion of this FNPRM to which a particular comment or set of comments is responsive. If a portion of a party's comments does not fall under a particular topic listed in the Table of Contents of this FNPRM, such comments must be included in a clearly labelled section at the beginning or end of the filing.

38. Written comments by the public on the proposed and/or modified information collections are due July 28, 1997. Written comments must be submitted to the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before 60 days after date of publication in the **Federal Register**. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained

herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

D. Ordering Clauses

Accordingly, *it is ordered*, pursuant to Sections 1–4, 10, 201–205, 251, 254, 303(r), and 410(a) of the Communications Act of 1934, as amended, and Section 601 of the Telecommunications Act of 1996, 47 U.S.C. secs. 10, 151–154, 201–205, 224, 251, 254, 303(r) 410(a), and 601, that notice is hereby given of the rulemaking described above and that comment is sought on these issues.

List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–14629 Filed 6–5–97; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018–AD98

Humane and Healthful Transport of Wild Mammals, Birds, Reptiles and Amphibians to the United States

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish & Wildlife Service proposes to make an amendment to regulations published in 50 CFR part 14, pertaining to the humane and healthful transport of wild mammals and birds to the United States. This proposed rule extends the regulations pertaining to the humane and healthful transport of wild mammals and birds to the United States to include reptiles and amphibians. These regulations enable the Secretary of the Interior to meet responsibilities designated by the Lacey Act Amendments of 1981 (Pub. L. 87–79, 95 Stat. 1073), enacted on November 16, 1981. The purpose of this rule is to ensure the Lacey Act Amendments' consistency and enforceability extend across all species, as described by Congress.

DATES: Comments must be submitted on or before September 4, 1997.

ADDRESSES: Director, U.S. Fish and Wildlife Service, c/o Office of Management Authority either by mail 4401 N. Fairfax Drive, Room 430, Arlington, VA 22203 or by fax (703) 358-2280 or by e-mail to R9OMA_CITES@mail.fws.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Stansell, Chief, Office of Management Authority, U.S. Fish and Wildlife Service, telephone (703) 358-2093, fax (703) 358-2280.

SUPPLEMENTARY INFORMATION: The Service recognizes three justifications for amending 50 CFR 14 subpart J. First, the Lacey Act Amendments of 1981 prohibit the transportation of all classes of species into the United States under inhumane or unhealthful conditions, and require that the United States Government promulgate regulations governing the transportation of wildlife. On June 17, 1992, the Service finalized (57 FR 27094) the rules contained in 50 CFR part 14 subpart J, establishing rules for the humane and healthful transport of wild mammals and birds to the United States. Subpart J included rules for mammals and birds only, because at the time the Service determined these classes of species to be priorities for two reasons: (a) evidence demonstrated they exhibited the greatest need for more humane and healthful transportation and (b) they represented a high volume of wildlife trade into the United States.

To more fully comply with the amendments of the Lacey Act, which requires the healthful and humane transport of all animals and the promulgation of regulations necessary to that end, the Service proposes to extend 50 CFR part 14 subpart J to include rules for the transport of reptiles and amphibians. Furthermore, many reptiles and amphibians are species included in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It is a CITES requirement that all CITES-listed species are packed and shipped in accordance with the International Air Transport Association (IATA) Live Animals Regulations. Therefore, the proposed rule would place these internationally accepted standards into the Code of Federal Regulations for reptiles and amphibians.

The Service's second justification for the proposed amendment to the rule is the need to protect the well-being of reptiles and amphibians during transport. The Service possesses substantial evidence showing that current practices of some shippers for transporting reptiles and amphibians are

detrimental to the animals. The Service currently enforces the Lacey Act Amendments' basic prohibition of the inhumane or unhealthful transportation of reptiles and amphibians. However, proving that transportation is inhumane or unhealthful is difficult absent grossly inhumane or unhealthful conditions that result in high mortality. The proposed amendment would respond to this problem by providing the Service's Law Enforcement Division with the authority to cite shippers for failure to comply with specific regulatory requirements even where, by chance, high mortality has not resulted. This additional authority will help the Service ensure increased compliance with humane and healthful shipping standards, and thus eliminate mortality and injury for transported reptiles and amphibians.

Finally, the proposed rule to 50 CFR part 14 subpart J enables the Service to process the high and increasing volume of reptiles and amphibians entering the United States. Specifically, the regulation equips the Service with rules which address the particular biological requirements of reptiles and amphibians, and enable the Service to respond better to the problems associated with transporting these species.

Throughout the proposed rule, the Service uses the word "wild," usually in the context of describing "wild animals." The Service does not consider whether an animal is born in the wild or in captivity to be germane to the issue of its being a wildlife species. The Service considers habituated or tame captive individuals of otherwise wild species to be wildlife. The Service notes that, as per 50 CFR 14.52, a Service officer must clear all wildlife transported into the United States. This Subpart J applies to all mammals, birds, reptiles, and amphibians that require Service clearance. The Service also notes that "wild" is the same as "fish or wildlife", as defined in both 50 CFR 10.12 and 18 U.S.C. 42(a)(2). Therefore, "wild" is defined as "the same as fish or wildlife, as defined in Section 10.12."

The rule augments 50 CFR part 14 subpart J with fifteen sections: three each for four separate groupings of reptiles species and for one grouping of amphibians. The Service utilized the same system of taxonomic classification for grouping the species as that used by IATA in its Live Animals Regulations, 23rd edition. These regulations serve as the international industry standards for ensuring the humane and healthful shipment of live animals. The Service recognizes that IATA annually revises its Live Animals Regulations and that

CITES holds shippers and carriers legally accountable for complying with the most current set of IATA regulations. Similarly, the Service will require shippers and carriers to comply with those changes inasmuch as the proposed rule refers to or incorporates IATA Live Animals Regulations in any of its regulations.

In establishing the species groupings the Service mirrored IATA in differentiating between the first two groupings of species by the size of the transported animal. If the animal's exact size places it on the borderline between the two groupings, the Service encourages shippers to use their discretion and professional judgement in deciding which grouping's transportation rules to follow, based on the needs of the animal(s) being transported.

The Service also acknowledges that the IATA system of listing and naming species is inconsistent with that of CITES, for which only the species' scientific name is official, for listing purposes. Nevertheless, the Service chose to use IATA's system of naming animal species, a combination of common English and scientific names, for two reasons. First, shippers transport both CITES-listed and non-CITES listed species. Second, the Service wanted the proposed rule to be as consistent as possible with the IATA regulations, the international industry standards, for the convenience of shippers and carriers.

For the same reason, the Service proposes to adapt the IATA Live Animals Regulations' container requirements, preparations before dispatch, feeding and watering guide, and general care and loading specifications outlined for each of the species groupings, when possible. However, the Service enhanced some of the IATA regulations where it felt doing so would improve animal health and survival. For example, the Service proposes to require shippers to use stronger, more durable construction materials than the IATA regulations for some species groupings. For this reason, the Service decided not to allow for uniform construction material requirements for all species groupings, despite the similarity between each species groupings' particular requirements. In contrast, the Service has also relaxed some of the IATA regulations. For example, Section 14.181 limits the number of small Squamata, small Crocodylia or Rhynchocephalia to five specimens per bag, while IATA Container Requirement #41, for similar species, recommends one specimen per bag. The Service notes that full compliance with IATA

regulations may nevertheless be required by, for instance, relevant CITES permits.

The Service's proposed revisions to 50 CFR part 14 subpart J fall into two categories. The first category includes minor revisions made to sentences in the paragraphs of sections dealing with the general issues of transporting all live animal species. Generally, this category's revisions consist of adding the words "reptiles and amphibians" into a sentence. However, some of the revisions include important general statements describing rules for the humane and healthful transport of all reptile and amphibian species. In a few instances, the Service recognized that these rules could and should apply to mammals and birds as well and made the revisions accordingly. Throughout these sections, the Service use the word "animal" instead of having to reference each of the animal classes: mammal, bird, reptile or amphibian. The Service intends for the reader to understand that it refers to any and all of these classes of animals. Sections 14.101 through 14.112 contain revisions of this first category.

For example, the proposed rule includes reptiles and amphibians in the regulations in Section 14.105 paragraphs (a) and (b), requiring veterinary certificates for all animals entering the United States. The Service does not expect a veterinarian from the initial exporting country to inspect each individual animal singly in the case of high-volume shipments. However, the Service expects a government-certified veterinarian to use professional judgment in deciding how to take a sample of the animals in a shipment to determine their health status before they are exported to the United States.

Another change in this section pertains to the transport of sick animals. The Service included language in Section 14.105(c) which prohibits the entry of any animal that has visible external parasites, such as ticks, mites, or leeches. These parasites may harbor zoonotic diseases that constitute a public health hazard. The Service extended this regulation to include mammals, birds, reptiles and amphibians.

Section 14.108, paragraphs (c), (d), and (f) prohibit the provision of food and/or water to reptiles and amphibians during transportation. The Service acknowledges that under certain thermal conditions and extended durations of time, these animals do require food and water. The Service reminds shippers and carriers that those thermal conditions and extended durations of time represent violations of

other regulations outlined in the proposed rule. In other words, neither the shipper nor the carrier should ever allow those conditions to arise that would necessitate providing the animal with food and/or water. However, the Service recognizes that unforeseen events may arise that require the shipper or carrier to provide a reptile or amphibian with food and/or water. In those cases, the shipper shall provide the animal with sufficient food and uncontaminated water and shall supply the carrier with specific feeding instructions in a manner consistent with the regulations outlined in Section 14.108.

Section 14.109 paragraph (b) proposes that the ambient temperature range for reptiles and amphibians while in the transportation process be from 21.1 C (70 F) to 26.7 C (80 F). While some reptiles and amphibians might be able to survive at lower temperatures, many would not. Therefore, the Service proposes that shippers and carriers maintain this optimal ambient temperature range to ensure high survivability rates for all transported reptiles and amphibians. The Service welcomes any comment on what would constitute a more optimal ambient temperature range for *all* reptiles and amphibians.

Paragraph (b)(2) in Section 14.110 outlines guidelines and methods for pesticide use in the control of insects, ectoparasites, and other pests. The Service added this paragraph to ensure that neither the shipper's nor the carrier's pest control protocol harms the transported animal's health.

The second category of revisions consists of new sections that add rules applying specifically to one of the five proposed groupings of reptile and amphibian species. These revisions represent the incorporation and adaptation of IATA Live Animals Regulations into 50 CFR part 14 for these species. Throughout these sections, the Service uses the word "animal" instead of referring to each of the animals within that grouping of species. The Service intends for the reader to understand it refers to any and all of the species within the grouping. Sections 14.181 through 14.223 contain second category revisions.

Within these sections, some paragraphs only apply to specific species within the larger groupings. Paragraph (b)(7) of Section 14.181 contains specific guidelines for aquatic snakes. The shipper shall transport only seasnakes, elephant trunk snakes, tentacled snakes (*Erpeton*), and wart snakes (*Achrocordus*) in damp primary enclosures. These snakes require aquatic

support of their body weight to ensure higher survival rates during transport. The shipper shall transport all other aquatic snakes referred to generically as "watersnakes" in the same way as the proposed rule outlines for other snakes in Sections 14.181 and 14.191: warm and dry within a cloth bag.

Several paragraphs—14.182 (b), 14.192 (c), 14.202 (a) and (b), and 14.222 (a)—refer to suitable, non-organic, or sterilized packing materials within the animal's primary enclosure. The Service added this language to assist shippers in avoiding inadvertent violations of the animal and plant health inspection rules of the U.S. Department of Agriculture (USDA). The Service recognizes that many container notes in the IATA Live Animals Regulations recommend packing material such as brushwood, moss, wood chips, or other organic substances. However, the USDA explicitly prohibits the entry of such material into the United States. The Service used the term "suitable" in this case in the recognition of any packing system which the proposed rule failed to include in its list of acceptable methods but which meet the more general requirements.

Paragraph (b) of Section 14.192 provides guidelines on sealing the jaw of crocodilians. The Service has determined that some commercial tape and most duct tape adhesive are harmful to the thin skin covering the heads of crocodilians. Therefore, shippers shall only use those materials specified in the paragraph: surgical or veterinary approved tape.

In each of the sections pertaining to general care and loading—Sections 14.183, 14.193, 14.203, 14.213, and 14.223—the Service explicitly prohibits the shipper from mixing species in a single bag or compartmentalized container within the primary enclosure. The Service based its decision on the IATA Live Animals Regulations, which also explicitly prohibit the mixing of species within the animal's primary enclosure.

Paragraph (b) in each of these sections discuss ambient temperature variance. The regulation in these paragraphs requires shippers and carriers to maintain the animal's optimal ambient temperature range throughout the transport process. As the previous discussion of Section 14.109 noted, the Service considers any failure to do so as a violation of the regulations while recognizing that unexpected events may inadvertently expose the animal to non-optimal ambient temperatures. Particularly during exposure to cold, the animal may lie dormant for prolonged periods, and even appear to be dead.

Therefore, neither the shipper nor the carrier shall presume the animals to be dead.

The Service also prohibits the use of corrugated cardboard or corrugated board in constructing a primary enclosure, unless the shipper uses it to enclose a Styrofoam primary enclosure. The Service has determined that these materials, when used alone, possess insufficient strength to comply with either the general construction guidelines for primary enclosures in Section 14.106 or in the species grouping specific construction guidelines for primary enclosures in Sections 14.181, 14.191, 14.201, 14.211, and 14.221.

Another change involves the proposed regulations for transporting hatchling turtles, or any turtle with a carapace length of less than 10 cm (4 in), outlined in sections 14.211–14.213. Presently, the United States does not permit the commercial importation of turtles of this size. Noncommercial imports are limited in number and may require specific measures to protect the public health (42 CFR 17.52).

Section 14.211 details guidelines for constructing primary enclosures for transporting these hatchling turtles. The Service enhanced the IATA Live Animals Regulations container requirement #47 by reducing the number of hatchlings that a shipper can place in each of the primary enclosure's compartmentalized containers from 62 to 25. The Service justifies its decision based upon the need to increase survivorship and to protect the animals' welfare. Nevertheless, the Service followed the IATA guidelines in the number of compartmentalized containers per primary enclosure (four).

Sections 14.121 through 14.172 contain no changes whatsoever because they contain specific rules applicable only to particular groups of mammal and bird species. The Service chose not to make any changes to the rules applying to the humane and healthful transport of wild mammals and birds. Thus, the Service will not consider any comments made by the public pertaining to mammals and birds at this time in formulating the final rule but could consider them as a separate effort by the Service.

Finally, this document contains only those sections of 50 CFR part 14 subpart J in which the proposed rule revises and/or adds words, a sentence(s), a paragraph(s), or an entire section(s).

Required Determinations

Economic Effect—Executive Order 12866

The Service has concluded that this proposed rule is not a "significant regulatory action" in the sense of Executive Order 12866 and was not subject to review by the Office of Management and Budget. The Service bases its conclusion on the fact that the proposed rule takes existing industry standards already in practice, strengthens them for some species for biological reasons, and codifies them into U.S. Federal regulations.

In those cases where the Service has strengthened industry standards, it has done so to decrease the expected mortality rate of the animals. Shippers may experience incremental cost increases from having to improve the primary enclosures to meet the proposed rule's specifications. Similarly, shippers may have to produce or purchase more primary enclosures to comply with the lower number of animals per primary enclosure that the Service has proposed for certain species. However, the shipper will capture additional benefits from the decreased mortality rate which should offset and may even exceed the additional costs the shipper may incur in either of these scenarios. Therefore, without available data proving or disproving either its analysis' assumptions or conclusions, the Service has determined that the proposed rule will pose no significant additional financial or economic cost to shippers and carriers.

Moreover, the proposed rule does not include any additional inspections or fees, so it does not pose any additional cost to shippers or carriers. Thus, the supply price of engaging in wildlife trade will remain the same. Similarly, with no additional or incremental cost for the supplier to pass on to the consumer, the proposed rule will not raise the price paid for any class of consumer: wholesalers, retailers, or retail customers. Without any significant net price, market or competitive effects, the proposed rule probably will not cause measurable change to any of the accounts in the balance of payments for either the exporting or importing country. Therefore, the proposed rule will not have a significant effect at either the sectoral or macroeconomic level.

The Regulation Flexibility Act

The Service has also certified that these revisions will not have a significant economic effect on a substantial number of small entities as described by the Regulatory Flexibility

Act (5 U.S.C. 601 *et seq.*). The proposed rule will require all entities to comply with the proposed regulations, regardless of their size. The above discussion established that the scientifically determined strengthening of current industry standards at worst will have no significant or measurable economic effect and potentially may benefit shippers. Moreover, the Service expects that the revisions would reduce the burden on small entities by making requirements clearer, but not more stringent.

Executive Order 12988

The Service has determined that this proposed rule meets the applicable standards provided in Sections 3(a) and (b) of Executive Order 12988.

Paperwork Reduction Act

The Service has examined this proposed rule under the Paperwork Reduction Act of 1995, and found it to contain no information collection requirements.

List of Subjects in 50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, 50 CFR subpart J is proposed to be amended as follows:

PART 14—[AMENDED]

1. The authority citation for part 14 continues to read as follows:

Authority: 18 U.S.C. 42(c); 16 U.S.C. 3371–3378; 16 U.S.C. 1538(d)–(f), 1540(f); 16 U.S.C. 1382; 16 U.S.C. 705, 712; 31 U.S.C. 483(a).

2. The Title of Subpart J is revised and new sections 14.181 through 14.223 are added to the table of contents read as follows:

Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals, Birds, Reptiles, and Amphibians to the United States

Specifications for Reptiles Group 1 (Small Squamata, Small Crocodylia, Rhynchocephalia)

Secs.

- 14.181 Design and construction.
- 14.182 Preparations before dispatch.
- 14.183 General care and loading.

Specification for Reptiles Group 2 (Large Crocodylia and Large Squamata)

- 14.191 Design and construction.
- 14.192 Preparations before dispatch.
- 14.193 General care and loading.

Specification for Reptiles Group 3 (Testudines)

- 14.201 Design and construction.

- 14.202 Preparations before dispatch.
14.203 General care and loading.

Specification for Reptiles Group 4 (Juvenile or Hatchling Turtles)

- 14.211 Design and construction.
14.212 Preparations before dispatch.
14.213 General care and loading.

Specification for Amphibians (Urodela/ Caudata, Anura/Salientia, and Gymnophiona Apoda)

- 14.221 Design and construction.
14.222 Preparations before dispatch.
14.223 General care and loading.

3. Section 14.101 is revised to read as follows:

§ 14.101 Purposes.

The purpose of this subpart is to prescribe requirements necessary to ensure that live wild mammals, birds, reptiles, and amphibians shipped to the United States arrive alive, healthy, and uninjured, and that transportation of such animals occurs under humane and healthful conditions. These regulations implement Section 9(d) of the Lacey Act Amendments of 1981 (18 U.S.C. 42(c)).

4. Section 14.102 is amended by revising the definitions for Ambient air temperature, Carrier, Communicable disease, Handle, Holding area, Primary enclosure, and Sanitize, and by adding definitions for Inner enclosure, Reptiles Group 1, Reptiles Group 2, Reptiles Group 3 and Reptiles Group 4, below to read as follows:

§ 14.102 Definitions.

* * * * *

Ambient air temperature means the temperature of the air surrounding a primary enclosure containing a wild mammal, bird, reptile, or amphibian.

* * * * *

Carrier means any person operating an airline, railroad, motor carrier, shipping line, or other enterprise engaged in the business of transporting any wild mammal, bird, reptile, or amphibian for any purpose including exhibition and for any person, including itself.

Communicable disease means any contagious, infectious, or transmissible disease or parasite, either internal or external, of wild mammals, birds, reptiles, or amphibians.

* * * * *

Handle means feed, house, manipulate, crate, shift, transfer, immobilize, restrain, treat, or otherwise control the movement or activities of any wild mammal, bird, reptile, or amphibian.

Holding area means a designated area at or within a terminal facility that has been specially prepared to provide shelter and other requirements for wild

mammals, birds, reptiles, or amphibians being transported to the United States and in which such wild mammals, birds, reptiles, or amphibians are maintained within the specified range of ambient temperature prior to, during, or following such shipment.

* * * * *

Inner enclosure means, in the case of reptiles and amphibians, any box, bag, sack, plastic jar, or similar container which may contain reptiles and amphibians within the primary enclosure.

Primary enclosure means any structure used to restrict a mammal, bird, reptile or amphibian to a limited amount of space, such as a cage, box, crate, room, pen, run, stall, pool, or hutch. Primary enclosure does *not* mean a subdivision, section or compartmentalized container within a cage, box, crate, room, pen, run, stall, pool, or hutch.

* * * * *

Reptiles Group 1 means any of the following reptiles: Crocodilians under 60 cm (24 in), Lizards under 30 cm (12 in), Snakes under 90 cm (36 in), or other reptiles (unless otherwise specified).

Reptiles Group 2 means any of the following reptiles: Crocodilians over 60 cm (24 in), Lizards over 30 cm (12 in), or Snakes over 90 cm (36 in). Reptiles Group 3 (Order Testudinata) means any of the following reptiles: Turtle species of carapace length equal to or greater than 4.5 CM (1.75 in), Marine turtles, Terrapin species, or Tortoise species.

Reptiles Group 3 (Order Testudinata) means any of the following reptiles: Turtle species of carapace length equal to or greater than 4.5 CM (1.75 in), Marine turtles, Terrapin species, or Tortoise species.

Reptiles Group 4 means any juvenile or hatchling turtles of less than 4.5 cm (1.75 in) in carapace length.

Sanitize means to make physically clean and, as far as possible, free of toxic or infectious agents injurious to the health of wild mammals, birds, reptiles, or amphibians.

* * * * *

5. Section 14.103 is revised to read as follows:

§ 14.103 Prohibitions.

Unless the shipper fully satisfies the requirements of this subpart J and meets all other legal requirements, it is unlawful for any person to transport to the United States, cause to be transported to the United States, or allow the transportation to the United States any live wild mammal, bird, reptile, or amphibian. It shall be unlawful for any person to import, to

transport, or to cause or permit the transportation to the United States any wild mammal, bird, reptile, or amphibian under inhumane or unhealthful conditions or in violation of this subpart J.

6. Section 14.104 is revised to read as follows:

§ 14.104 Translations.

Any certificate or document required by this subpart to accompany a mammal, bird, reptile, or amphibian transported to the United States and written in a foreign language must be accompanied by an accurate English translation.

7. Section 14.105 is amended by revising the paragraphs (a), (b)(1), (c), and (d) to read as follows:

§ 14.105 Consignment to carrier.

(a) No carrier shall accept any live wild mammal, bird, reptile, or amphibian for transport to the United States that a veterinarian certified as qualified by the national government of the initial country from which the mammal, bird, reptile, or amphibian is being exported has not examined within 10 days prior to commencement of transport to the United States. If the national government of such country does not certify veterinarians, then the veterinarian must possess either certification or a license from a local government authority designated by the national government as authorized to certify veterinarians.

(b)(1) A certificate of veterinary medical inspection, signed by the examining veterinarian, stating that the animal has been examined, is healthy, appears to be free of any communicable disease, and is able to withstand the normal rigors of transport must accompany the mammal, bird, reptile, or amphibian; the certificate should include the veterinarian's license number, certification number, or equivalent. The carrier shall not accept a mammal in the last third of its pregnancy, if this is detectable using professionally accepted standards, for transport to the United States except for medical treatment and unless the examining veterinarian certifies in writing that she or he has examined the animal, evaluated the state of pregnancy, and, despite the medical condition requiring treatment, determined that the animal is able physically to withstand the normal rigors of transportation to the United States.

* * * * *

(c) A sick or injured wild mammal, bird, reptile, or amphibian shall be permitted transport to the United States

only if the primary purpose of such transport is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors of travel in its present condition. A veterinary attendant qualified to care for and treat the sick or injured animal shall accompany it at all times throughout the transport process and have continuous access to it at all times. This individual shall be in possession of or have ready access to all medications to be administered during the transport. Furthermore, no carrier shall accept any live animals that have visible external parasites, such as ticks, mites, or leeches.

(d) No carrier shall accept any wild mammal, bird, reptile, or amphibian for transport to the United States presented by the shipper less than 1 hour or more than 6 hours prior to the scheduled departure of the conveyance on which it is to be transported. The carrier shall notify the crew of the presence of live animal shipments.

8. Section 14.106 is amended by adding paragraph (b)(8); revising the introductory text; and revising paragraphs (a), (b) introductory text, (b)(1), (b)(2), (b)(4), (b)(5), (b)(6), (b)(7), (c), (d), (e), (f), (g), and (h) to read as follows:

§ 14.106 Primary enclosures.

No carrier shall accept for transport to the United States any live wild mammal, bird, reptile, or amphibian in a primary enclosure that does not conform to the following requirements:

(a) The most current edition of the Container Requirements of the Live Animals Regulations (LAR) published by the International Air Transport Association (IATA) shall be complied with by all parties transporting wild mammals, birds, reptiles, or amphibians to the United States. The Director of the Federal Register approved incorporation of LAR by reference in accordance with 5 U.S.C. 552(a) and 1 CFR 51. The public and all interested parties may obtain copies from IATA, 2000 Peel St., Montreal, Quebec, Canada H3A 2R4. The public and all interested parties may inspect copies at the U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., Arlington, VA 22203 or at the Office of the Federal Register, 800 N. Capitol St., NW., Suite 700, Washington, DC. In case of any conflict between IATA and the regulations in this subpart, this subpart shall govern.

(b) The primary enclosure shall be constructed so that—

(1) The strength of the primary enclosure is sufficient to contain the

mammal, bird, reptile, or amphibian and to withstand the normal effects of transport;

(2) The interior of the primary enclosure is smooth and free from any protrusion, projection, or abrasive material that could be injurious to the mammal, bird, reptile, or amphibian within;

* * * * *

(4) The primary enclosure may be closed and provide secure access with an animal-proof device designed to prevent accidental opening and release of the mammal, bird, reptile, or amphibian;

(5) The opening of the primary enclosure will be easily accessible for either emergency removal or inspection of the mammal, bird, reptile, or amphibian by authorized personnel while minimizing the risk of escape of the mammal, bird, reptile, or amphibian;

(6) The primary enclosure will have sufficient openings to ensure adequate air exchange at all times to meet the respiratory needs of the bird, mammal, reptile, or amphibian, by providing adequate ventilation on at least three sides, with the primary enclosures for aquatic reptile and amphibian species being leakproof and oxygenated to prevent desiccation, and with ventilation ensured by placing the majority of the ventilation on the upper part of the primary enclosure, and by securely attaching meshed openings to the primary container to prevent possible occlusion of inner ventilation holes by the primary container when needed.

(7) No dividers or any other material will be placed into the primary enclosure that may preclude adequate ventilation or create a multi-layered primary enclosure for the purpose of increasing animal density within the primary enclosure; and

(8) Any construction materials used will not contain treatment of any paint, preservative, or other chemical that is injurious or otherwise harmful to the health or well-being of wild mammals, birds, reptiles, and amphibians.

(c) Unless the shipper or carrier permanently affixes the primary enclosure in the conveyance, or the enclosure has an open top for certain large mammals, the shipper shall fit spacer bars allowing circulation of air around the primary enclosure to the exterior of the primary enclosure's top, sides, and base. Spacer bars on a primary enclosure need extend no more than 15 centimeters (6 inches) from the surface of the enclosure. Within this 6-inch limit, the spacers on a primary

enclosure containing one animal shall extend a distance equal to at least 10 percent of the longer dimension of the surface to which they are attached, and the spacers on a primary enclosure containing more than one animal shall extend a distance equal to at least 20 percent of the longer dimension of the surface to which they are attached. For reptiles and amphibians, the primary enclosure shall be large enough to allow the animal to lie in a natural manner with enough space so that stacking of animals within the same primary enclosure is avoidable. The height of the primary enclosure shall permit an air flow over the animal or its/their container but prevent stacking. The primary enclosure shall have a clearance of 3 cm (1.2 in) above the highest point of the animal and 1 cm (.4 in) for frog species of less than or equal to 1 cm (.4 in) in size. The shipper shall increase this clearance accordingly for the larger species.

(d) The shipper shall ensure the primary enclosure has adequate handholds or other devices for lifting by hand or to facilitate lifting and carrying by machine if the carrier has not permanently affixed it within the conveyance. The shipper shall make such handholds or other devices an integral part of the primary enclosure, shall enable them to be lifted without excessive tipping, and shall design them so that the person handling the primary enclosure will not come in contact with the animals contained within.

(e) A primary enclosure shall have a solid, leak-proof bottom or removable, leak-proof collection tray under a slatted or wire mesh floor. The shipper shall design and construct a slatted or wire mesh floor in a manner such that the spaces between the slats or the holes in the mesh cannot trap the limbs of animals contained within the primary enclosure. A primary enclosure for mammals shall contain unused absorbent litter on the solid bottom or in the leak-proof tray in sufficient quantity to absorb and cover excreta. This litter shall be safe and nontoxic and shall not resemble food normally consumed by the mammals. A primary enclosure used to transport marine mammals in water, in a waterproof enclosure, a sling, or on foam is exempt from the requirement to contain litter. A primary enclosure used to transport birds shall not contain litter, unless the examining veterinarian has specified in writing that litter is medically necessary. For those amphibians and species of reptiles that require it, the primary enclosures shall include dampened bedding to provide the

necessary moisture throughout the transportation period.

(f) If a shipper or carrier previously has used a primary enclosure to transport or store wild mammals, birds, reptiles or amphibians, the shipper or carrier shall clean and sanitize the primary enclosure in a manner that will destroy pathogenic agents and pests injurious to the health of wild mammals, birds, reptiles, and amphibians before the primary enclosure can be re-used. No carrier or shipper shall co-mingle live animal shipments with inanimate cargo during transit.

(g) For a primary enclosure that the shipper has not permanently affixed in the conveyance, the shipper shall mark in English on the outside of the top and one or more sides of the primary enclosure, in letters not less than 2.5 cm (1 in) in height, "Live Animals" or "Wild Animals," "Do Not Tip," "Only Authorized Personnel May Open Container," and other appropriate or required instructions. The shipper shall also conspicuously mark all primary enclosure sides on the outside with arrows to indicate the correct upright position of the primary enclosure. These arrows should extend up the sides of the primary enclosure so that the point of the arrow is visible and clearly indicates the top of the primary enclosure. The shipper shall also correctly label on the outside of the primary enclosure the quantity and scientific name of the species inside each of the inner enclosures.

(h) The shipper shall securely attach to each primary enclosure food and water instructions as specified in § 14.108, information regarding what constitutes obvious signs of stress in the species being transported, and information about any drugs or medication to be administered by the accompanying veterinary attendant. Copies of shipping documents accompanying the shipment shall also be securely attached to the primary enclosure. The carrier's pouch or manifest container or the shipper's attendant accompanying the wild mammal, bird, reptile, or amphibian shall carry the original documents.

* * * * *

9. Section 14.107 is amended by revising paragraphs (a), (c) and (e) to read as follows:

§ 14.107 Conveyance.

(a) The carrier shall design, construct, and maintain the animal cargo space of a conveyance which it uses to transport wild mammals, birds, reptiles, or amphibians to the United States in such

a way that ensures the humane and healthful transport of the animals.

* * * * *

(c) Neither the shipper nor the carrier shall place any wild mammal, bird, reptile, or amphibian in a cargo space of a conveyance that does not provide sufficient air for it to breathe normally. Shippers and carriers shall position primary enclosures in a cargo space in such a manner that each animal within a primary enclosure has access to sufficient air for normal breathing.

* * * * *

(e) Neither the shipper nor the carrier shall transport a wild mammal, bird, reptile, or amphibian in a cargo space that contains any material, substance, or device that may result in inhumane conditions or injury to the animal's health unless the shipper or carrier take all reasonable precautions to prevent such conditions or injury.

10. Section 14.108 is amended by revising paragraphs (b), (c), (d), (e), and (f), and adding paragraph (g) to read as follows:

§ 14.108 Food and water.

* * * * *

(b) No carrier shall provide any food or water to reptiles or amphibians during the duration of the journey, unless specifically directed to do so in writing by a veterinarian.

(c) A mammal or bird requiring drinking water shall have uncontaminated water suitable for drinking made available to it at all times prior to commencement of transport to the United States, during intermediate stopovers, and upon arrival in the United States, or as directed by the shipper's written instructions.

(d) A mammal or bird that obtains moisture from fruits or other food shall be provided such food prior to commencement of transport to the United States, during stopovers, and upon arrival in the United States, or as directed by the shipper's written instructions.

(e) During a stopover or while still in the custody of the carrier after arrival in the United States, the shipper or carrier shall observe the primary enclosure of the mammal, bird, reptile, or amphibian in transit no less frequently than once every four hours and shall provide food and water to mammals and birds according to the instructions required by paragraph (a) of this section.

(f) Suitable and sufficient food shall be made available to mammals and birds during transport and to reptiles or amphibians, if specifically directed to do so in writing by a veterinarian.

(g) Additional requirements for feeding and watering particular kinds of

animals are found below in the specifications for the various groups.

11. Section 14.109 is revised to read as follows:

§ 14.109 Care in transit.

(a) During transportation to the United States, including any stopovers during transport, the carrier shall visually inspect each primary enclosure not less than once every 4 hours, or in the case of air transport, every 4 hours whenever the cargo hold is accessible. During such inspections, the carrier shall verify that the ambient temperature is within allowable limits (see § 14.109(b)), that the journey has not damaged either the primary enclosure, and that the animals receive adequate ventilation, and that, when transport is by air, the carrier maintains suitable air pressure to support live animals within the cargo area (pressure equivalent to a maximum altitude of 8000 feet). During these observations the carrier shall also determine whether any birds or mammals are in obvious distress as described in documents attached to the primary enclosure. The absence of such a document or the absence of information as to signs of distress shall not remove this responsibility. The carrier shall attempt and shall consult the shipper concerning any possible need for veterinary care if no veterinary attendant is traveling with the shipment; if the shipper cannot be reached in the case of an emergency, qualified veterinary care should be provided. A veterinarian or qualified attendant traveling with the shipment shall be provided access to the animal.

(b) Unless otherwise specified in this paragraph or in writing by the examining veterinarian, neither the shipper nor the carrier shall allow the ambient air temperature in a holding area, transporting device, conveyance, or terminal facility containing mammals or birds to fall below 12.8 degrees C (55 degrees F) nor to exceed 26.7 degrees C (80 degrees F). Either the shipper or the carrier shall provide auxiliary ventilation when the ambient air temperature is 23.9 degrees C (75 degrees F) or higher. In the case of penguins and auks, neither the shipper nor the carrier shall allow the ambient air temperature to exceed 18.3 degrees C (65 degrees F) at any time, and auxiliary ventilation shall be provided when the ambient air temperature exceeds 15.6 degrees C (60 degrees F). In the case of polar bears and sea otters, neither the shipper nor the carrier shall allow the ambient air temperature to exceed 10 degrees C (50 degrees F). In the case of reptiles, neither the shipper nor the carrier shall allow the ambient

temperatures to fall below 21.1 degrees C (70 degrees F) nor to exceed 26.7 degrees C (80 degrees F). In the case of amphibians, neither the shipper nor the carrier shall allow the ambient temperatures to fall below 15.6 degrees C (60 degrees F), nor to exceed 21.1 degrees C (70 degrees F).

12. Section 14.110 is amended by revising paragraphs (a), (b) introductory text, and (b)(2), to read as follows:

§ 14.110 Terminal facilities.

(a) Any terminal facility used for wild mammal, bird, reptile, or amphibian transport in the country of export, stopover countries, or the United States shall contain a separate animal holding area or areas. No carrier or shipper shall co-mingle live animal shipments with inanimate cargo in the designated animal holding area.

(b) A carrier or shipper holding any wild mammals, birds, reptiles, or amphibians in a terminal facility shall provide the following:

* * * * *

(2) An effective program for the control of insects, ectoparasites, and pests of mammals, birds, reptiles, or amphibians using the following methods for the animals: the shipper or carrier shall apply only non-residual pesticides which are non-toxic to the animals and apply them only when the animals are not present in the room; the shipper or carrier shall wash away the pesticide after the application period elapses; and neither the shipper nor the carrier shall introduce the animals again until after ventilating the room to be free from fumes and vapor for 24 hours;

* * * * *

13. Section 14.111 is amended by revising paragraphs (a), (b), (d), (e), (f) introductory text, (f)(1), (f)(4); and adding (f)(5) to read as follows:

§ 14.111 Handling.

(a) Care shall be exercised to avoid handling the primary enclosure in a manner likely to cause physical or behavioral trauma or stress to the wild mammals, birds, reptiles, or amphibians.

(b) Neither the shipper nor the carrier shall drop, tip excessively, or otherwise mishandle a primary enclosure used to move any wild mammals, birds, reptiles, or amphibians, nor shall they stack or place the primary enclosure in a manner that may result in its falling or being tipped.

* * * * *

(d) The carrier shall accomplish the transport of wild mammals, birds, reptiles, or amphibians to the United States in the most expeditious manner,

with the fewest stopovers possible, and without unnecessary delays.

(e) The carrier shall load live wild mammals, birds, reptiles, or amphibians last and unload them first from a conveyance consistent with other procedures and requirements of the carrier.

(f) A carrier shall not allow wild mammals, birds, reptiles, or amphibians to remain for extended periods of time outside a holding area and shall move them between a holding area and a conveyance as expeditiously as possible. A carrier or shipper maintaining wild mammals, birds, reptiles, or amphibians in a holding area, or transporting them to or from a holding area or between a holding area and a conveyance, shall provide the following:

(1) Shelter from sunlight, artificial light, cold air, drafts, and/or heat. When sunlight and/or artificial light is likely to cause overheating or discomfort, sufficient shade and/or darkness shall be provided to protect animals from the light or heat.

* * * * *

(4) Shelter from drafts, and/or air conditioners. The shipper and the carrier shall provide animals protection from drafts.

(5) Protection from harassment. The shipper and the carrier shall protect animals from disturbances, including, but not limited to, harassment by humans, other animals, or machinery that makes noise, emits fumes, heat, or light, or causes vibration.

14. Section 14.112 is revised to read as follows:

§ 14.112 Other applicable provisions.

In addition to the provisions of § 14.101 through 14.111, the shipper and the carrier shall meet the requirements of § 14.121 through 14.223 applicable for particular groups of animals for all shipments of wild mammals, birds, reptiles, and amphibians covered by this part.

15. Sections 14.181 through 14.223 are added to read as follows:

Specifications for Reptiles Group 1 (Small Squamata, Small Crocodylia, and Rhynchocephalia)

§ 14.181 Design and construction.

(a) *Materials.* The shipper shall construct primary enclosures of hardboard, plywood, plastic and/or wood and inner enclosures of burlap or cloth bags, fine nylon or similar mesh, expanded polystyrene/Styrofoam, fiberboard or, fine wire mesh. The Service considers neither corrugated card board nor corrugated board to be suitable for these species.

(b) *Principles of design.* The shipper shall meet the following principles of design in constructing the primary enclosure in addition to those outlined in § 14.106.

(1) For a primary enclosure 50 × 50 cm (19.5 × 19.5 in), the shipper shall pack young alligators, caimans, gavials, and crocodiles (juveniles) in trays with bedding of damp macrolite or other similar material. The shipper shall place no more than four trays in a primary enclosure.

(2) The shipper may carry specimens of small Squamata, small Crocodylia and Rhynchocephalia with a tail base width of 5 cm (2 in) or greater without inner bags in the primary enclosures. The shipper may pack these in trays, but each tray shall have no more than 10 animals.

(3) The shipper shall not use metal in the construction of the primary enclosures.

(4) The shipper shall use strong plywood or expanded polystyrene/Styrofoam boxes with adequate ventilation for construction of the primary enclosures. The shipper shall make ventilation holes smaller than the size of the animal in the primary enclosure. If the ventilation holes in the primary enclosure are larger than the animal enclosed, the shipper shall cover the holes with fine wire mesh securely attached on the outside of the primary enclosure.

(5) Ventilation holes in the primary enclosure never shall exceed 2.5 cm (1 in) in diameter and the shipper always shall securely cover them with very fine nylon gauze on the inside of the primary enclosure.

(6) If the shipper uses bags as the inner enclosure, the shipper must construct the sealed bags of cotton or burlap bags of coarse but sturdy weave which will allow ventilation and must secure them in the primary enclosure. Each bag shall carry a label "POISONOUS" or "Non-poisonous" as appropriate.

(7) The shipper may place damp absorbent material to maintain humidity for journeys of longer than 72 hours but the shipper must never allow such damp material to cool below the required animal temperature.

(8) The shipper shall place snakes, and small lizards, including geckos and chameleons, in linen or cotton or burlap bags of coarse but sturdy weave, such that fresh air may enter the bag but the animal may not push its way through the bag. In this case, except aquatic snakes, the shipper need not line the primary enclosure with nylon mesh or gauze. The shipper shall secure the bags to the primary enclosure without the

use of nails or staples or other such devices that rip the bags upon removal, or place them in small compartmentalized containers to prevent stacking. The use of bags shall be limited to 5 specimens per 4 litre volume bag.

(9) The shipper shall pack aquatic snakes in bags which the shipper thoroughly has dampened for total transportation time of 72 or more hours. Shippers shall meet the humidity requirements of animals by using dampened packing materials such as cloth bags, foam rubber, or damp paper.

(10) The shipper shall transport large snakes, whose length approaches the maximum for this species grouping (90 cm or 36 in), in individual durable primary enclosures, and the same principles of design shall apply.

§ 14.182 Preparations before dispatch.

(a) The shipper may pack more than one animal per bag if the shipper uses bags as the inner enclosure, except for chameleons or if the species is aggressive. The shipper shall secure the bags by partitions or compartmentalized containers to prevent stacking and shifting. The bags must be packed so that they are not stacked nor placed too close together to prevent the animals movement within the bag. The shipper shall pack the bags in such a way as to permit air to circulate around the bags within a primary enclosure.

(b) If the shipper uses a box or plastic container as the inner enclosure, the shipper shall place suitable non-organic or sterilized soft material within the inner enclosure to provide small reptiles with a foothold.

(c) The shipper shall provide chameleons with a system of suitable non-organic or sterilized perches and shall hydrate the chameleons with warm fresh water at the time of packing.

(d) The shipper shall pack all small reptiles with plenty of crumpled paper or foam rubber, but the shipper must take care not to occlude ventilation.

(e) The shipper shall individually pack venomous reptiles in transparent mesh bags closed by tying the bag opening into a knot and place those bags in styrofoam primary enclosures which the shipper shall then place within a wooden primary enclosure. The shipper shall clearly label both of the primary enclosures with "VENOMOUS" or "POISONOUS," including the number of enclosed animals, their common name, scientific name, and antivenin type required to treat bites by the species, next to the "LIVE ANIMAL" and "THIS WAY UP" labels.

(f) When transporting venomous reptiles, the importer shall provide a

certificate of affiliation with a physician or medical snake bite treatment center. Importers shall also have in their immediate possession a primary dosage amount of antivenin of the appropriate type for the species they are transporting.

§ 14.183 General care and loading.

(a) The shipper shall not mix or combine species with other species in a single bag or compartment within the primary enclosure.

(b) Temperature. The shipper and the carrier shall maintain an ambient temperature described in the general requirement in § 14.109.

(1) If there is the likelihood of extreme temperature variance during shipment, the shipper shall insulate the primary enclosure with a outer ventilated polystyrene box. If the temperature is likely to drop, the shipper shall put warm packs in a sealed bag or bags around the primary enclosures.

(2) The shipper, carrier, and importer shall take special care to avoid exposure to extreme temperatures.

Specification for Reptiles Group 2 (Large Crocodylia and Large Squamata)

§ 14.191 Design and construction.

(a) *Materials.* The shipper shall use wood in the construction of the primary enclosure.

(b) *Principles of design.* The shipper must meet the following principles of design in constructing the primary enclosure in addition to those outlined in § 14.106.

(1) The shipper may carry animals of these species with a tail base width of 5 cm (2 in) or greater without inner bags in the primary enclosures as described in § 14.181. The shipper may pack these in trays, but each tray shall have no more than 10 animals.

(2) The shipper may pack animals up to 77 cm (30 in) in length in parallel as small groups in the primary enclosure.

(3) The shipper shall pack animals over 77 cm (30 in) in length individually in separate primary enclosures.

(4) The shipper shall place reptiles over 77 cm (30 in) in length separately in strong, heavily-framed and well-padded wooden crate primary enclosures with dimensions that restrict movement of the animal.

(5) The shipper shall place ventilation holes at the sides and on the top of the container to provide adequate ventilation.

(6) The ends of the inside of the primary enclosure shall be smooth to prevent injury to the animal's head.

(7) If polystyrene containers are used, the shipper shall place them within a wooden ventilated primary enclosure.

§ 14.192 Preparations before dispatch.

(a) Where necessary, the shipper must place suitable sterile, non-organic material in the primary enclosure.

(b) The shipper shall secure closed the mouths of these animals with veterinarian's tape or heavy rubber bands, making certain not to block the nostrils, and blindfold them with a soft material. Large animals which need sedation shall receive a muscle relaxant under strict supervision of a veterinarian. The shipper shall place larger crocodylians (over 180 cm or 6 feet) in primary enclosures constructed with laminated plywood of a minimum thickness of 1.25 to 2 cm (1/2 to 3/4 in) with smooth inside walls and joints, with exterior reinforced frames of wood which the shipper shall screw together rather than nail. The primary enclosure shall conform to the body size and the shipper shall pad the primary enclosure to prevent injury or excessive movement.

(c) When either the shipper or the carrier expect temperature changes during shipment, the shipper or the carrier shall insulate the primary enclosure with polystyrene or other suitable insulating material to prevent temperature changes within the primary enclosure.

§ 14.193 General care and loading.

(a) The shipper shall not mix or combine species with other species in a single bag or compartment within the primary enclosure.

(b) Temperature variance. If there is the likelihood of extreme temperature variance during shipment, the shipper shall insulate the primary enclosures with a polystyrene box.

(1) The shipper and the carrier shall maintain an ambient temperature as described in the general requirements of § 14.109.

(2) The shipper and the carrier shall take special care to avoid exposure to extreme temperatures. If the shipper expects inappropriate low temperatures, the shipper shall place chemical heat packs around the primary enclosures.

(c) Sedation of animals. When shippers use immobilizing drugs for large crocodylians (over 180 cm or 6 feet in length), they shall include the drug type and appropriate antidote in the veterinary documents accompanying the shipment. A qualified veterinary technician, trained animal care attendant, or licensed veterinarian shall also accompany the shipment.

**Specification for Reptiles Group 3
(Testudines)****§ 14.201 Design and construction.**

(a) *Materials.* The shipper shall only use high density water-resistant fiberboard, water-resistant hardboard, plywood of a minimum 3 ply, and/or rigid plastics in the construction of the primary enclosure. The shipper shall not construct primary enclosures out of corrugated cardboard, corrugated board, or other materials likely to become damaged during transit.

(b) *Principles of design.* The shipper shall meet the following principles of design in constructing the primary enclosure in addition to the requirements outlined in § 14.106.

(1) The shipper shall use sturdy fiberboard, hardboard, plywood or rigid plastic boxes with adequate ventilation openings on the sides and top cover, or baskets with an impervious inner tray as the primary enclosures. The shipper shall securely fasten fine wire mesh outside the primary enclosures to screen the ventilation openings which shall be of a minimum of 1 cm (0.5 in) in diameter.

(2) The primary enclosure shall be shallow so that animals are unable to clamber on top of one another. The shipper may place padding in the form of crumpled newspaper, foam rubber, or Styrofoam peanuts around the animals to prevent shifting and injury from excessive movement. When the animals are less than 10 cm (4 in) in carapace length, the shipper shall permit no more than ten (10) individuals per primary enclosure in order to prevent excessive stacking of the animals.

(3) For the large animals of greater than 10 cm (4 in) in carapace length, the shipper shall place no more than 5 individuals in the primary enclosure.

(4) Certain species are aggressive, and the shipper shall individually pack them (e.g., snapping turtles of the family Chelydridae, mud and musk turtles of the family Kinosternidae, big-headed turtles of the family Platysternidae, and all soft-shelled turtles of the family Trionychidae).

§ 14.202 Preparations before dispatch.

(a) Where necessary, the shipper shall place non-organic or other suitable material in the box.

(b) The shipper shall pack terrapins and aquatic turtles in damp, not wet, soft, absorbent bedding of crumpled newspaper, foam rubber, or other suitable sterilized and non-organic material to minimize injury.

§ 14.203 General care and loading.

(a) In cases of more than one animal per shipment, the shipper shall not mix

or combine species with other species in a single primary enclosure.

(b) The shipper and the carrier shall take special care to avoid exposure to extreme temperatures. Particularly during cold weather, these animals lie dormant for prolonged periods and, therefore, neither the shipper nor the carrier shall presume them to be dead.

(1) On no account shall either the shipper or the carrier induce unnatural hibernation loading the consignments in thermally controlled containers.

(2) In extreme temperatures, the shipper shall place the primary enclosure inside a ventilated polystyrene container which permits air to circulate around the primary enclosures.

**Specification for Reptiles Group 4
(Juvenile or Hatchling Turtles)****§ 14.211 Design and construction**

(a) *Materials.* The shipper shall use water-resistant fiberboard, water-resistant hardboard, plywood, rigid plastics, and/or water-resistant chip board in the construction of the primary enclosures.

(b) *Principles of design.* The shipper must meet the following principles of design in constructing the primary enclosure in addition to the requirements outlined in § 14.106.

(1) The shipper shall use water-resistant fiberboard, water resistant hardboard, plywood, or rigid plastic, or chip board boxes with ventilation openings on the sides, top cover, and dividers (for the compartmentalized containers) in the primary enclosures. The shipper shall reinforce the design of the front and back. The shipper shall affix spacer bars to the top of the primary enclosures to ensure proper ventilation if carrier stacks several primary enclosures.

(2) The primary enclosure shall be shallow so that the animals are unable to clamber on top of one another but must be large enough to allow free movement. This primary enclosure shall not exceed 7.5 cm (3 in) in depth. The shipper shall not load more than 25 individuals in each compartmentalized container within the primary enclosure. The shipper shall not load more than 100 individuals per standard primary enclosure with dimensions of 46 x 46 x 7.5 cm (18 x 18 x 3 in).

§ 14.212 Preparations before dispatch.

The shipper shall not band more than 4 primary enclosures together.

§ 14.213 General care and loading.

(a) In cases of more than one animal per shipment, the shipper shall not mix or combine species with other species in

a bag or compartment within the primary enclosure. The shipper shall load only animals of the same size in the same compartmentalized container or primary enclosure.

(b) The shipper and the carrier shall take special care to avoid exposure to extreme temperatures. Particularly during cold weather, these animals lie dormant for prolonged periods and, therefore, neither the shipper nor the carrier shall presume them to be dead.

(1) On no account shall either the shipper or the carrier induce unnatural hibernation by loading the consignments in thermally controlled containers.

(2) In extreme temperatures the shipper shall place the primary enclosure inside a ventilated polystyrene container which permits animals to receive enough air exchange to allow for normal respiration.

**Specification for Amphibians (Urodela/
Caudata, Anura/Salientia, and
Gymnophiona/Apoda)****§ 14.221 Design and construction.**

(a) The shipper shall use expanded polystyrene, burlap, cloth, or clear plastic bags, water resistant chipboard, rigid plastics, water-resistant fiberboard, and/or water resistant wood in the construction of the primary enclosures and inner enclosures.

(b) Principles of design. The shipper must meet the following principles of design in constructing the primary enclosure in addition to those outlined in § 14.106.

(1) The shipper shall cover air holes with plastic mesh on the inside of the primary enclosure. The shipper shall make the air holes to provide adequate ventilation but shall punch them outwardly so that the animal will not be able to get its snout through the primary enclosure.

(2) The shipper may carry frogs, toads, and terrestrial salamanders in a shallow primary enclosure designed to prevent stacking of the animals, with the bottom lined with damp non-abrasive material.

(3) Large frogs that might jump at the lids of the primary enclosure and injure themselves require special packing. For these species, the shipper shall pad the inside of the covers of the primary enclosures with cotton of fine weave muslin, bubble wrap, or foam rubber unless the shipper has packed the animals in bags in the primary enclosure.

(4) In the case of small animals, the shipper may place up to four animals in the same compartmentalized container of the primary enclosure, provided that the animals are not toxic or aggressive

to each other and will not be injured by stacking.

(5) The shipper may carry aquatic species of amphibians (such as Necturus, Axolotls, Caecilians [Typhlonectes], Pipa and Xenopus) in a primary enclosure of two double-bagged sealed plastic bags a third full of water. The shipper shall fill the remainder with oxygen as specified by International Air Transport Association Live Animals Regulations' Container Requirements for transporting fish.

§ 14.222 Preparations before dispatch.

For those frogs, newts, salamanders, Caecilians, and toad species which require moisture, the shipper shall pack the animals in primary enclosures with sponges or balls of crushed blotting paper or foam rubber chips which the shipper shall moisten with water. The shipper may also use other dampened suitable material.

§ 14.223 General care and loading.

(a) The shipper shall not mix or combine species with other species in a single bag or compartment within the primary enclosure.

(b) Temperature. The shipper and the carrier shall take special care to avoid exposure to extreme temperatures, including the use of insulated shipping boxes. Particularly during cold weather, these animals lie dormant for prolonged periods and, therefore, neither the shipper nor the carrier shall presume the animals to be dead.

Dated: May 24, 1997.

Donald J. Barry,

Assistant Secretary, Fish and Wildlife and Parks.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Proposals by Other Countries To Amend Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of decision.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animals and plants. Species for which such trade is controlled are listed in Appendices I, II, and III to CITES. Any country that is a Party to CITES

may propose amendments to Appendix I or II for consideration by the other Parties.

This notice announces decisions by the U.S. Fish and Wildlife Service (Service) on negotiating positions to be taken by the United States delegation with regard to proposals submitted by Parties other than the United States. The proposals will be considered at the tenth regular meeting of the Conference of the Parties (COP10) to be held in Harare, Zimbabwe, June 9-20, 1997. This notice announces a deadline for public recommendations regarding potential reservations that could be taken by the United States on any listing decisions by the Parties at COP10. It also announces a potential amendment to the proposal submitted by the United States, and discussed in previous **Federal Register** notices, to include map turtles in Appendix II, and a revision to the proposal of the United States (also in the previous **Federal Register** notices) to include goldenseal in Appendix II.

DATES: Proposals mentioned in this notice are scheduled to be discussed along with preliminary votes by Party countries in committee on the weekdays from approximately June 11 to 17, 1997. Final votes in plenary sessions are likely on June 18 and 19, 1997, without discussion unless one-third of the Parties support the reopening of discussion on specific proposals. Any of these proposals that are adopted will enter into effect 90 days after the close of COP10 (i.e., on September 18, 1997). Public comments regarding potential reservations to be taken by the United States on listings adopted by the Parties at COP10 need to be received by the Service's Office of Scientific Authority by August 15, 1997.

ADDRESSES: Please send correspondence concerning this notice to Chief, Office of Scientific Authority; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Fax number: 703-358-2276.

Comments and other information received are available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C., telephone: 703-358-1708, fax: 703-358-2276.

SUPPLEMENTARY INFORMATION:

Background

CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species.

Species for which trade is controlled are included in one of three Appendices. Appendix I includes species threatened with extinction that are or may be affected by international trade.

Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless the trade is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those other species). Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

Any Party country may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties. The proposal must be communicated to the CITES Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate their responses to all Parties no later than 30 days before the meeting. Proposals submitted to the Secretariat are subsequently distributed to all Parties. The proposals submitted by the United States or cosponsored with other Parties for consideration at COP10 were addressed in the April 16, 1997, **Federal Register** (62 FR 18559). After preliminary review of other Parties' proposals received for consideration at COP10, the Service announced the proposals and invited comments on tentative negotiating positions in the April 17, 1997, **Federal Register** (62 FR 18731).

This notice announces the negotiating positions to be taken by the United States delegation on the proposals submitted by the Parties other than the United States for consideration at the forthcoming meeting of the Parties. It also announces a *potential amendment to a proposal* submitted by the United States and discussed in previous **Federal Register** notices of August 26, 1996 (61 FR 44324) and April 16, 1997 (62 FR 18559), to include all species of map turtles (genus *Graptemys*) in Appendix II, and an amendment to the proposal by the United States (also in the previous **Federal Register** notices) to include goldenseal (*Hydrastis canadensis*) in Appendix II. The decisions announced in this notice represent formal guidance to the delegation. Although it is neither