

effective less than 30 days after the publication in the **Federal Register**. This rule removes import restriction on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where *S. enteritidis* phage-type 4 exists. It also removes regulations regarding poultry diseases caused by *S. enteritidis* serotype *enteritidis*. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending the regulations to remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where *S. enteritidis* phage-type 4 exists. Previously, *S. enteritidis* phage-type 4 had not been isolated in the United States; therefore, those import restrictions were necessary to help prevent *S. enteritidis* phage-type 4 from being introduced into this country. However, *S. enteritidis* phage-type 4 is now known to be present in the United States. This action will eliminate restrictions on the importation of eggs from regions where *S. enteritidis* phage-type 4 exists. We are also removing our regulations regarding poultry disease caused by *S. enteritidis* serotype *enteritidis*. These regulations are no longer enforced, and it is necessary to remove them to make our regulations consistent with our enforcement.

The following analysis, which also serves as our cost-benefit analysis, considers the potential economic effects of this rule on domestic egg producers.

S. enteritidis phage-type 4 is considered to exist in all parts of the world except Canada. Under the current regulations, the importation of eggs (other than hatching eggs) from or through regions affected with *S. enteritidis* phage-type 4 is restricted, but not prohibited. However, in 1999, the last year for which relevant census information is available, the United States imported only 5.8 million dozen eggs (other than hatching eggs), which is equivalent to less than 0.1 percent of U.S. production that year. Eighty percent of these shell egg imports were from China. Imported eggs from Canada, the only region not subject to import restrictions because of its freedom from *S. enteritidis* phage-type 4, accounted

for less than 1 percent of all U.S. shell egg imports in 1999.

The United States does not export a significant amount of its egg supply. In 1999, the United States exported 117 million dozen eggs (other than hatching eggs), which is equivalent to only 2 percent of the U.S. nonhatching egg production for that year. As these figures indicate, virtually all eggs produced in the United States are consumed domestically.

After China, the United States is the world's second largest egg producer. In China and other top egg-producing countries, including Japan, India, Russia, Mexico, and France, virtually all eggs produced are consumed domestically. Combined, these 6 countries exported 122 million dozen eggs in 1999, less than 1 percent of their combined production that year. While the Netherlands exported the most eggs (226 million dozen), that region is not among the top 7 egg-producing nations. Mexico reported no egg exports between 1996 and 1999.

We expect that this rule will have little or no effect on U.S. producers, large or small, for the following reasons:

- Current restrictions on eggs (other than hatching eggs) from regions where Exotic Newcastle Disease (END) exists are quite similar to the restrictions regarding *S. enteritidis* phage-type 4 that we are removing.
- END is considered to exist in five of the top six foreign egg-producing regions. Therefore, with the exception of France, where END is not considered to exist, import restrictions on eggs will still be in place for the regions most likely to export eggs to the United States.

- Transporting eggs to the United States from foreign markets is expensive.

- Egg production in the United States is highly mechanized, which offsets potential cost advantages that foreign producers may have over U.S. producers with regard to labor wage rates.

Based on these considerations, we believe that the removal of the restrictions on the importation of eggs from regions where *S. enteritidis* phage-type 4 exists will not result in any appreciable increase in egg imports or otherwise affect domestic egg producers.

Additionally, we do not expect any impact on domestic egg producers or other poultry producers to result from our removal of the regulations regarding *S. enteritidis* serotype *enteritidis* in subpart C of part 82 and § 71.3, since these regulations are no longer enforced and have not been enforced since fiscal year 1995.

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

List of Subjects

9 CFR Part 71

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

9 CFR Part 82

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

9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR parts 71, 82, and 94 as follows:

PART 71—GENERAL PROVISIONS

- 1. The authority citation for part 71 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 71.3 [Amended]

- 2. Section § 71.3 is amended as follows:

■ a. In paragraph (a), by removing the words “poultry disease caused by *Salmonella enteritidis* serotype *enteritidis*,”.

■ b. By removing paragraph (c)(4) and redesignating paragraph (c)(5) as paragraph (c)(4).

PART 82—EXOTIC NEWCASTLE DISEASE (END) AND CHLAMYDIOSIS

- 3. The authority citation for part 82 continues to read as follows: