

adjustment to temporary resident status was the result of fraud or willful misrepresentation as provided in section 212(a)(19) of the Act;

(ii) The alien commits an act which renders him or her inadmissible as an immigrant, unless a waiver is secured pursuant to § 210.3(e)(2) of this part;

(iii) The alien is convicted of any felony, or three or more misdemeanors in the United States.

(3) *Procedure.* (i) Termination of an alien's status under paragraph (d)(2) of this section will be made only on notice to the alien sent by certified mail directed to his or her last known address, and to his or her representative. The alien must be given an opportunity to offer evidence in opposition to the grounds alleged for termination of his or her status. Evidence in opposition must be submitted within thirty (30) days after the service of the Notice of Intent to Terminate. If the alien's status is terminated, the director of the regional processing facility shall notify the alien of the decision and the reasons for the termination, and further notify the alien that any Service Form I-94, Arrival-Departure Record or other official Service document issued to the alien authorizing employment and/or travel abroad, or any Form I-688, Temporary Resident Card previously issued to the alien will be declared void by the director of the regional processing facility within thirty (30) days if no appeal of the termination decision is filed within that period. The alien may appeal the decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) using Form I-694. Any appeal with the required fee shall be filed with the regional processing facility within thirty (30) days after the service of the notice of termination. If no appeal is filed within that period, the Forms I-94, I-688 or other official Service document shall be deemed void, and must be surrendered without delay to an immigration officer or to the issuing office of the Service.

(ii) Termination proceedings must be commenced before the alien becomes eligible for adjustment of status under § 210.5 of this part. The timely commencement of termination proceedings will preclude the alien from becoming a lawful permanent resident until a final determination is made in the proceedings, including any appeal.

Dated: March 16, 1990.

James A. Puleo,  
Acting Associate Commissioner,  
Examinations, Immigration and  
Naturalization Service.  
[FR Doc. 90-7787 Filed 4-4-90; 8:45 am]  
BILLING CODE 4410-10-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 1

[Docket No. 89-223]

#### Intent To Regulate Horses and Other Farm Animals Under the Animal Welfare Act; Technical Amendment of Definition

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

**ACTION:** Determination to regulate and technical amendment.

**SUMMARY:** This document gives notice that we intend to begin regulating the handling, care, treatment, and transportation of horses and other farm animals under the Animal Welfare Act (the Act). We intend to include horses used for biomedical or other nonagricultural research, and other farm animals used for biomedical or other nonagricultural research, or for nonagricultural exhibition, as regulated animals under the Act. This action is necessary to promote the humane care of these animals. We are also making a technical amendment of the definition of "animal" in the Animal Welfare regulations to add several words that were inadvertently omitted when the definition was published in the Federal Register. This change is necessary to clarify the intent of the definition.

**EFFECTIVE DATE:** June 4, 1990.

**FOR FURTHER INFORMATION CONTACT:** Dr. R.L. Crawford, Director, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, Room 269, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8790.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*), enacted in 1966 and amended in 1970, 1976, and 1985, authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers, and intermediate handlers.

Regulations established under the Act are contained in 9 CFR parts 1, 2, and 3.

From the time the Act was amended in 1970 (Pub. L. 91-579), the definition of the term "animal" has included "any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warmblooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; \* \* \* (7 U.S.C. 2132(g)). The following animals are excluded from the term and therefore are not covered by the Act:

\* \* \* horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. \* \* \* (7 U.S.C. 2132(g)).

We are therefore authorized by the Act to regulate horses when used for biomedical or other nonagricultural research, and are authorized to regulate other farm animals when the animals are used for biomedical or other nonagricultural research, nonagricultural exhibition, or as pets. An example of agricultural exhibition would be a livestock show at a State or county fair.

To date, as a matter of policy, we have not generally enforced the Animal Welfare regulations with respect to horses and other farm animals, although the handling and care of these animals is subject to regulation under the Act. However, we have reevaluated our policy in light of the increasing use of horses and other farm animals in biomedical research and nonagricultural exhibition, and in light of comments and inquiries received from members of the public, including members of industries regulated under the Act, regarding the need to extend enforcement of the regulations to include these animals. Following our proposal to amend part 1 of the regulations, published in the Federal Register on March 31, 1987 (52 FR 10292-10298, Docket No. 84-010), we received more than 1,000 comments stating that the proposed definition of "animal" should encompass all warmblooded animals, including farm animals. Based on information supplied by the commenters, on information supplied by members of the public prior to publication of the proposed rule, and on our own experience enforcing the Animal Welfare regulations, we believe it is appropriate to extend our enforcement of the Animal Welfare Act

to those horses and other farm animals covered by the Act.

By so extending our enforcement, we will make our policy and that of the United States Department of Health and Human Services (HHS) more uniform. HHS provides specific instructions for the care of horses and other farm animals. They are contained in the "NIH Guide for the Care and Use of Laboratory Animals," which is issued by the Public Health Service, National Institutes of Health, to all institutions receiving funds under the Health Research Extension Act of 1985.

Therefore, in order to ensure the humane handling, care, treatment, and transportation of horses used for biomedical or other nonagricultural research, and of other farm animals used for biomedical or other nonagricultural research, nonagricultural exhibition, or as pets, we are giving notice of our intent to regulate such animals under the Act, and to regulate persons subject to the Act who maintain these animals.

Horses and other farm animals will be regulated in accordance with the standards set forth in 9 CFR part 3, subpart F—"Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals"—until standards designed specifically for horses and other farm animals are added to the regulations.

#### Request for Comments

Elsewhere in this issue of the *Federal Register*, we are publishing a document entitled "Animal Welfare—Standards for Horses and Other Farm Animals" (Docket No. 90-006), in which we give notice that we are considering establishing standards designed specifically for the humane care of horses and other farm animals under the Act. In that document, we request comments on the development of standards for the regulation of horses used for biomedical or other nonagricultural research, and of other farm animals, such as cattle, sheep, pigs, and goats, when used for biomedical or other nonagricultural research, or for nonagricultural exhibition purposes.

#### Technical Amendment of Definition

Because of the inadvertent omission of several words, the definition of "animal" in part 1 of the regulations does not make it clear that horses not used for research purposes are excluded from regulation. However, such exclusion is mandated by the Animal Welfare Act. Therefore, in this

document we are making a technical amendment of the definition of "animal" to make it clear that horses not used for research purposes are not covered by the regulations.

#### List of Subjects in 9 CFR Part 1

Animal welfare, Animal housing, Dealers, Exhibitors, Research facilities, Humane animal handling.

Accordingly, 9 CFR part 1 is amended as follows:

#### PART 1—DEFINITION OF TERMS

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

Authority: 7 U.S.C. 2131-2157; 7 CFR 2.17, 2.51, and 371.2(g).

2. In § 1.1, the definition of "animal" is revised to read as follows:

#### § 1.1 Definitions.

\* \* \* \* \*

*Animal* means any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warmblooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: Birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes.

\* \* \* \* \*

Done in Washington, DC, this 30th day of March 1990.

James W. Glosser,  
Administrator, Animal and Plant Health  
Inspection Service.

[FR Doc. 90-7863 Filed 4-4-90; 8:45 am]

BILLING CODE 3410-34-M

#### 9 CFR Parts 71 and 82

[Docket No. 90-047]

#### Poultry Affected by Salmonella Enteritidis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of extension of comment period.

SUMMARY: We are extending the comment period for an interim rule that amended our regulations concerning

poultry and avian diseases by declaring *Salmonella enteritidis* serotype *enteritidis* to be an endemic disease and by imposing certain testing, movement, and other restrictions on certain chickens, eggs, and other articles from egg-type chicken flocks. This extension will provide interested persons with additional time to prepare comments on the interim rule.

DATES: Consideration will be given only to comments received on or before May 2, 1990.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 88-161. Comments may be inspected at Room 1141 of the South Building, 14th and Independence Avenue SW., Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. I. L. Peterson, Staff Veterinarian, Sheep, Goat, Equine, and Poultry Diseases Staff, VS, APHIS, USDA, Room 771, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8646.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule published in the *Federal Register* and effective on February 16, 1990 (55 FR 5576-5584, Docket No. 88-161) we amended our regulations concerning avian and poultry diseases by declaring *Salmonella enteritidis* serotype *enteritidis* to be an endemic disease and by imposing certain testing, movement, and other restrictions on certain chickens, eggs, and other articles from egg-type chicken flocks. On March 30, 1990, we published a technical amendment to the interim rule in the *Federal Register* (55 FR 11887, Docket No. 90-043), adding a sentence concerning test procedures that was inadvertently left out of the interim rule.

Both the interim rule and the technical amendment requested the submission of written comments on or before April 17, 1990. We have received a request from United Egg Producers for an extension of the comment period, to allow more time for review of the interim rule and preparation of comments concerning it.

In response to this request, we are extending the comment period for Docket No. 88-161 for 15 additional days. We will consider all written