

Dated: January 9, 1995.

**Wally Beyer,**

*Administrator, Rural Utilities Service.*

[FR Doc. 95-788 Filed 1-11-95; 8:45 am]

BILLING CODE 3410-15-P

**Animal and Plant Health Inspection Service**

**9 CFR Part 78**

[Docket No. 94-009-3]

**Brucellosis in Cattle; State and Area Classifications; California**

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of California from Class Free to Class A. We have determined that California no longer meets the standards for Class Free status. The interim rule was necessary to impose certain restrictions on the interstate movement of cattle from California.

**EFFECTIVE DATE:** February 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, Veterinary Services, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January. Telephone: (301) 436-4918 (Hyattsville); (301) 734-4918 (Riverdale).

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective and published in the **Federal Register** on September 16, 1994 (59 FR 47533-47534, Docket No. 94-009-2), we amended the brucellosis regulations in 9 CFR part 78 by removing California from the list of Class Free States in § 78.41(a) and adding it to the list of Class A States in § 78.41(b).

Comments on the interim rule were required to be received on or before November 15, 1994. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act,

Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

**List of Subjects in 9 CFR Part 78**

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

**PART 78—BRUCELLOSIS**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.41 and that was published at 59 FR 47533-47534 on September 16, 1994.

**Authority:** 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 6th day of January 1995.

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-807 Filed 1-11-95; 8:45 am]

BILLING CODE 3410-34-P

**9 CFR Part 97**

[Docket No. 94-131-1]

**Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports**

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations concerning overtime services provided by employees of Veterinary Services by adding a commuted traveltime allowance for Helena, Montana. Commuted traveltime allowances are the periods of time required for Veterinary Services employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Veterinary Services employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime for this location.

**EFFECTIVE DATE:** January 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ms. Louise R. Lothery, Director, Resource Management Support, Veterinary Services, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20783. The

telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January. Telephone: (301) 436-7517 (Hyattsville); (301) 734-7517 (Riverdale).

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 9 CFR, chapter I, subchapter D, and 7 CFR, chapter III, require inspection, laboratory testing, certification, or quarantine of certain animals, animal byproducts, plants, plant products, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Veterinary Services (VS) on a Sunday or holiday, or at any other time outside the VS employee's regular duty hours, the Government charges a fee for the services in accordance with 9 CFR part 97. Under circumstances described in § 97.1(a), this fee may include the cost of commuted traveltime. Section 97.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for VS employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 97.2 of the regulations by adding a commuted traveltime allowance for Helena, Montana. The amendment is set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

**Effective Date**

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.

**Executive Order 12866 and Regulatory Flexibility Act**

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

The number of requests for overtime services of a VS employee at the location affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

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 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12778**

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

**Paperwork Reduction Act**

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 9 CFR Part 97**

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

Accordingly, 9 CFR part 97 is amended as follows:

**PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS**

1. The authority citation for part 97 continues to read as follows:

**Authority:** 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 97.2 is amended by adding in the table, in alphabetical order, under Montana, the following entry to read as follows:

**§ 97.2 Administrative instruction prescribing commuted traveltime.**

\* \* \* \* \*

**COMMUTED TRAVELTIME ALLOWANCES**  
[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
Montana:			
	*	*	*
Helena . . . . .		1	
	*	*	*

Done in Washington, DC, this 6th day of January 1995.

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-808 Filed 1-11-95; 8:45 am]

BILLING CODE 3410-34-P

**9 CFR Part 112**

[Docket No. 92-098-3]

**Viruses, Serums, Toxins, and Analogous Products; Packaging and Labeling**

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

**ACTION:** Final rule; postponement of effective date.

**SUMMARY:** This document postpones the effective date, upon which the final rule on the packaging and labeling of veterinary biological products takes effect, from February 21, 1995, to August 19, 1995. Upon the effective date, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of product that are imported or that are packaged at licensed establishments in cartons or other containers. The extension of the effective date is necessary in order to allow a sufficient transition period and to ensure the continued availability of single-dose veterinary biologics.

**EFFECTIVE DATE:** The effective date of the final rule is postponed from February 21, 1995, to August 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, PO Drawer 810, Riverdale, MD

20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January 1995. Telephone: (301) 436-8245 (Hyattsville); (301) 734-8245 (Riverdale).

**SUPPLEMENTARY INFORMATION:** Under authority of the Virus-Serum-Toxin Act (21 U.S.C. 151-159), as amended by the Food Security Act of 1985, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, published a proposed rule on April 28, 1993 (58 FR 25786-25788, Docket No. 92-098-1) on the packaging and labeling of veterinary biologics. During the 60-day comment period, thirty-nine comments were received. Thirty-six comments were in support of the rule; three were not. The final rule was published on August 24, 1994 (59 FR 43441-43445, Docket No. 92-098-2). Unless otherwise exempted, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of veterinary biologics that are imported or that are prepared in licensed establishments. The effective date of the final rule that was published on August 24, 1994, was to have been 180 days after the date of publication or February 21, 1995.

Since the publication of the final rule, APHIS has received a large number of (in excess of 400) letters and numerous inquiries from congresspersons, a State governor, distributors, consumers, and representatives of kennel clubs and humane societies expressing concern that implementation of the final rule would result in a shortage of single-dose animal vaccines which could be sold without restriction. This shortage, it was claimed, would result in the failure to vaccinate a large number of animals that are currently vaccinated by owners. Based on these letters and inquiries and its own monitoring efforts, APHIS has determined that additional time is necessary to allow for coordination between producers and distributors of veterinary biologics in order to provide distributors and consumers with fully packaged and labeled single-dose biological products.

Therefore, the effective date of the final rule that was published at 59 FR 43441-43445, August 24, 1994, Docket No. 92-098-2, is postponed until August 19, 1995.

**Authority:** 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).