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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 94-138-1]

Commututed 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 for Plant Protection and Quarantine by removing and adding commuted traveltime allowances for travel between various locations in Delaware, Maryland, and Pennsylvania. Commuted traveltime allowances are the periods of time required for Plant Protection and Quarantine 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 Plant Protection and Quarantine 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 between these locations.

EFFECTIVE DATE: March 3, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Eggert, Assistant to the Deputy Administrator for PPQ, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Resource Management Support, 4700 River Road Unit 130, Riverdale, MD 20737-1236; (301) 734-7764.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals, animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Plant Protection and Quarantine (PPQ) on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltim. Section 354.2 contains administrative instructions prescribing commuted traveltim allowances, which reflect, as nearly as practicable, the periods of time required for PPQ 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 § 354.2 of the regulations by removing and adding commuted traveltim allowances for travel between various locations in Delaware, Maryland, and Pennsylvania. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltim between the dispatch and service locations.

Effective Date

The commuted traveltim 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 PPQ employee at the locations 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 7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by removing and adding in the table, in alphabetical order, the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltim.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES [In hours]

Location cov- ered	Served from	Metropolitan area		Within	Out- side
		Within	Out- side		
[Remove]					
*	*	*	*	*	*

Delaware:

Claymont	Dover .....	.....	4
Claymont	Wilmington .....	.....	2
Delaware City	Wilmington .....	.....	2
Delaware City	Dover .....	.....	3
Dover .....	.....	2	2
Slaughter Beach.	Dover	2

Wilmington (including marine terminal and airport).	2	2
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Wilmington (including marine terminal and airport).	Carlisle, PA	6
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Wilmington (including marine terminal and airport).	Chester- town, MD.	4
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Wilmington (including marine terminal and airport).	Dallas, PA	6
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Wilmington (including marine terminal and airport).	Dover	4
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Wilmington (including marine terminal and airport).	Gap, PA	4
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[Add]				
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COMMUTED TRAVELTIME ALLOWANCES [In hours]

Location cov- ered	Served from	Metropolitan area		Within	Out- side
		Within	Out- side		
*	*	*	*	*	*

Delaware:

Dover .....	.....	1
Dover	Wilmington	3½

Wilmington (including NCCA, Delaware City, and Claymont).	2
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Wilmington (including NCCA, Delaware City, and Claymont).	Dover	3
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Done in Washington, DC, this 27th day of February 1995.

Terry L. Medley,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-5284 Filed 3-2-95; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Part 77**[Docket No. 94-053-3]****Tuberculosis in Cattle and Bison; State Designation**

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 tuberculosis regulations concerning the interstate movement of cattle and bison by reducing the designation of Virginia from an accredited-free (suspended)

State to a modified accredited State. We have determined that Virginia no longer meets the criteria for designation as an accredited-free (suspended) State but meets the criteria for designation as a modified accredited State. This change was necessary to prevent the spread of tuberculosis in cattle and bison.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Animal and Plant Health

Inspection Service, Veterinary Services, Cattle Diseases and Surveillance, 4700 River Road Unit 36, Riverdale, MD 20737-1231; (301) 734-8715.

SUPPLEMENTARY INFORMATION:**Background**

In an interim rule effective and published in the Federal Register on November 29, 1994 (59 FR 60885-60886, Docket No. 94-053-2), we amended the tuberculosis regulations in 9 CFR part 77 by removing Virginia from the list of accredited-free (suspended) States in § 77.1 and adding it to the list of modified accredited States in that section.

Comments on the interim rule were required to be received on or before January 30, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

The 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 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 77.1 and that was published at 59 FR 60885-60886 on November 29, 1994.

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

Done in Washington, DC, this 27th day of February 1995.

Terry L. Medley,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-5287 Filed 3-2-95; 8:45 am]

BILLING CODE 3410-34-P