

(d) At least every six years, the committee shall review committee size, composition, and representation and recommend to the Secretary whether changes should be made, as provided in § 945.23.

4. Sections 945.22 through 945.24 are revised to read as follows:

§ 945.22 Districts.

For the purpose of selecting committee members and alternate members, the following districts of the production area are hereby established: *Provided*, That these districts may be changed as provided in § 945.23.

(a) *District No. 1*: The counties of Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton;

(b) *District No. 2*: The counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, and Power; and

(c) *District No. 3*: Malheur County, Oregon, and the remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

§ 945.23 Redistricting and reapportionment.

(a) The Secretary, upon recommendation of the committee, may reestablish districts within the production area, may reapportion committee membership among the various districts, may increase the number of producer and/or handler members and alternates on the committee, and may change the composition of the committee by changing the ratio between producer and handler members, including their alternates. At least every six years, the committee shall review committee size, composition and representation and recommend to the Secretary whether changes should be made. In recommending any such changes, the committee shall give consideration to:

(1) Shifts in potato acreage within districts and within the production area during recent years;

(2) the importance of new potato production in its relation to existing districts;

(3) the equitable relationship between committee membership and districts;

(4) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(5) other relevant factors.

(b) Membership of the committee shall be apportioned among the districts of the production area so as to provide the following representation or such other representation as recommended by the committee and approved by the Secretary:

(1) Three producer members, including at least one who predominately produces seed potatoes, and one handler member, with their respective alternates, from District No. 1;

(2) One producer member and one handler member, with their respective alternates, from District No. 2; and

(3) One producer member and one handler member, with their respective alternates, from District No. 3.

§ 945.24 Selection.

Members and alternates of the committee shall be selected by the Secretary on the basis specified in § 945.23 (b) from nominations made pursuant to § 945.25 or from other eligible persons.

5. In § 945.30, paragraph (a) is revised to read as follows:

§ 945.30 Procedure.

(a) A simple majority of all members of the committee, including alternates acting for members, shall be necessary to constitute a quorum or to pass any motion or approve any committee action, except any motion regarding a change in committee size shall require a unanimous vote. At any assembled meeting, all votes shall be cast in person.

* * * * *

6. In § 945.42, paragraph (b) is revised and new paragraphs (d) and (e) are added to read as follows:

§ 945.42 Assessments.

* * * * *

(b) Assessments shall be levied upon handlers at a rate per hundredweight of potatoes or equivalent established by the Secretary. Such rate may be established upon the basis of the committee's budget recommendations, and other available information.

* * * * *

(d) The committee may impose a late payment charge or an interest charge, or both, on any handler who fails to pay, on or before the due date established by the Secretary, the total assessment for which such handler is liable. Such due date and the late payment fee and interest rate shall be recommended by the committee and approved by the Secretary.

(e) In order to provide funds to carry out its function, after the effective date of this subpart the committee may accept advance assessments from handlers. Advance assessments received from a handler shall be credited toward assessments levied against that handler during that fiscal period. In the case of an extreme emergency, the committee may also borrow money on a short term

basis to provide funds for the administration of this part. Any such borrowed money shall only be used to meet the committee's current financial obligations, and the committee shall repay all borrowed money by the end of the next fiscal period from assessment income.

7. In § 945.52, paragraph (a)(3) is revised to read as follows:

§ 945.52 Issuance of regulations.

(a) * * *

(3) Fix the size, capacity, weight, dimensions, pack, labeling or marking of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

* * * * *

8. Section 945.80 is amended by designating the existing undesignated text as paragraph (a) and adding new paragraphs (b) through (d) to read as follows:

§ 945.80 Reports.

(a) * * *

(b) All data or other information constituting a trade secret, or disclosing a trade position or business condition of a particular handler shall be treated as confidential and shall at all times be received by and kept in the custody and under the control of one or more designated employees of the committee. Information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

(c) Each handler shall maintain for at least two succeeding fiscal periods such records of potatoes received and of potatoes disposed of by such handler as may be necessary to verify reports required pursuant to this section. The committee, with the approval of the Secretary, may prescribe rules and regulations issued pursuant to this section specifying handler records and reports which the committee may need to perform its functions.

(d) For the purpose of assuring compliance and checking and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where potatoes are held, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

[FR Doc. 95-5671 Filed 3-9-95; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

9 CFR Parts 160 and 161

[Docket No. 94-027-1]

Standards for Accredited Veterinarian Duties

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. For all other animals, we are proposing to allow accredited veterinarians to issue official animal health documents up to 10 days following inspection. Last, we are proposing to require that all official animal health documents be valid for only 30 days following inspection, regardless of the date of issuance. We would continue to require that accredited veterinarians issue official animal health documents only for animals that they have inspected.

These actions would extend the time period allowed between inspection and the issuance of official animal health documents. We believe these actions would both alleviate the burden placed by the current time requirement on accredited veterinarians and reduce the costs of health inspection for the livestock industry, without significantly increasing animal disease risk.

DATES: Consideration will be given only to comments received on or before May 9, 1995.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. Please state that your comments refer to Docket No. 94-027-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. J. A. Heamon, Senior Staff Veterinarian, Sheep, Goat, Equine, and Poultry Diseases Staff, Veterinary Services, APHIS, USDA, P.O. Drawer 810, Riverdale, MD, 20738. The telephone number for the agency contacts will

change when agency offices in Hyattsville, MD, move to Riverdale, MD, during February. Telephone: (301) 436-6954 (Hyattsville); (301) 734-6954 (Riverdale).

SUPPLEMENTARY INFORMATION:

Background

In accordance with 9 CFR parts 160, 161, and 162 (referred to below as the regulations), some veterinarians are accredited by the Federal Government to cooperate with the Animal and Plant Health Inspection Service (APHIS) in controlling and preventing the spread of animal diseases throughout the country and internationally. Accredited veterinarians use their professional training in veterinary medicine to perform certain regulatory tasks.

Section 161.3 of the regulations contains the Standards for Accredited Veterinarian Duties. Currently, under § 161.3(a), we require accredited veterinarians, when issuing or signing a certificate, form, record, or report regarding any animal, to have inspected the animal within 7 days prior to signing the document. We have received numerous letters from veterinarians, veterinary associations, and livestock producers maintaining that this 7-day requirement is impractical, burdensome, and expensive for both veterinarians and producers. All of the correspondents request that we allow accredited veterinarians additional time to issue official animal health documents following inspection.

Many of the correspondents argue that the 7-day requirement makes it difficult for accredited veterinarians involved in intensive livestock practices to issue, in a timely manner, official animal health documents required for the interstate or international transport of animals. Large livestock facilities sell animals continuously. So, in order to issue the health documents near the date of an animal's shipment, if 7 days have passed since the animal's most recent inspection, the veterinarian must revisit the facility where it is housed. This time requirement places a burden on veterinarians with busy practices; many of the veterinarians who have written state that it is impossible for them to visit their clients frequently enough so as not to impede livestock sales and shipments. Furthermore, livestock facilities also are negatively impacted by the 7-day requirement, as they must pay for numerous veterinary inspections if they wish to sell and ship animals frequently.

Other letters cite inspection delays caused by biosecurity requirements at large livestock facilities as a reason for

extending the time period allowed for issuing official animal health documents. Biosecurity requirements commonly prohibit veterinarians from entering a facility within 72 hours of being in contact with animals of the same species at other sites. If an accredited veterinarian is under contract to several large livestock facilities with biosecurity requirements, it can be difficult for him or her to inspect animals frequently enough so as not to impede livestock sales and shipments.

Finally, many of the letters remark that often veterinarians do not receive laboratory test results soon enough after inspection to issue official animal health documents within the 7-day period. Thus, a veterinarian can be forced to reinspect an animal shortly after the previous inspection due to laboratory delays beyond his or her control.

Therefore, we are proposing to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. We are proposing to define regular health maintenance program in the regulations as "an arrangement between an accredited veterinarian and a livestock producer whereby the veterinarian inspects every animal on the premises of the producer at least once every 30 days." This kind of arrangement is very common in the livestock industry. Typically, livestock facilities contract with a veterinarian for health inspection of every animal every 30 days as a practical way to protect the health of animals and to facilitate their sale and shipment.

Over time, veterinarians who inspect herds or flocks as part of a regular health maintenance program become very familiar with health conditions in those herds or flocks. They are able to discover current, and anticipate future, health problems more accurately than veterinarians who inspect individual animals, herds, or flocks sporadically. We believe that accredited veterinarians may inspect a herd or flock as part of a regular health maintenance program and then issue relevant official animal health documents for up to 30 days following inspection, with no significant increase in disease risk. Notably, we would continue to require that accredited veterinarians issue official animal health documents only for animals that they have inspected.

Because a veterinarian would have to inspect a herd or a flock several times before he or she could become familiar with the health conditions therein, we are proposing to allow veterinarians the

30-day issuance period only after the third inspection of a herd or flock as part of a regular health maintenance program. Following the first two inspections of a herd or flock as part of a regular health maintenance program, we are proposing to allow accredited veterinarians to issue official animal health documents for only 10 days after inspection.

For all animals not part of a regular health maintenance program, we are proposing to allow accredited veterinarians to issue official animal health documents for up to 10 days following inspection. We believe that providing accredited veterinarians with an additional 3 days following inspection to issue relevant official animal health documents will give them greater flexibility without presenting a significant increase in disease risk.

Finally, we are proposing to require that all official animal health documents be valid for only 30 days following the date of inspection, regardless of the date of issuance. We would require accredited veterinarians to indicate both the date of issuance and the date of expiration on all official animal health documents.

Miscellaneous

We are also proposing to revise the regulations under §§ 160.1 and 161.3 (a), (b), (c), and (k) for the sake of clarity. Currently, the regulations in these sections require that various conditions be met any time an accredited veterinarian "issue[s] or sign[s] any certificate, form, record or report" reflecting the health of an animal. However, "issue" is not defined in the regulations. We are proposing to define "issue" as follows: "The distribution by an accredited veterinarian of an official animal health document that he or she has signed."

Also, because under the proposed definition, "issuance" entails distributing a signed official animal health document, to avoid redundancy we are proposing to delete the word "sign" from § 161.3 (a), (b), (c), and (k). Moreover, we are proposing to remove "sign" from these sections because the phrase "issue or sign" implies that accredited veterinarians could issue an animal health document without signing it.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not

been reviewed by the Office of Management and Budget.

We are proposing to amend the regulations to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. For inspection of other animals, we are proposing to allow up to 10 days between the inspection of animals and the issuance of official animal health documents.

Currently, under § 161.3(a), we require accredited veterinarians, when issuing or signing a certificate, form, record, or report regarding any animal, to have inspected the animal within 7 days. This requirement places an economic burden on large livestock facilities that sell and ship animals continuously. That is, large livestock facilities must have their animals inspected frequently, in order for veterinarians to issue, in a timely manner, the health documents required for the frequent sale and shipment of animals. Such frequent visits can be expensive.

If veterinarians were allowed additional time to issue official animal health documents following inspection, they could inspect animals less frequently. Therefore, primarily, this proposal would economically benefit large livestock facilities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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 proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or

recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579-0032 and there are no new requirements.

List of Subjects

9 CFR Part 160

Veterinarians.

9 CFR Part 161

Reporting and recordkeeping requirements.

Accordingly, 9 CFR parts 160 and 161 would be amended as follows:

PART 160—DEFINITION OF TERMS

1. The authority citation for part 160 would continue to read as follows:

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111-114, 114a, 114a-1, 115, 116, 120, 121, 125, 134b, 134f, 612, and 613; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 160.1 would be amended by adding, in alphabetical order, the following definitions:

§ 160.1 Definitions.

* * * * *

Issue. The distribution by an accredited veterinarian of an official animal health document that he or she has signed.

* * * * *

Regular health maintenance program. An arrangement between an accredited veterinarian and a livestock producer whereby the veterinarian inspects every animal on the premises of the producer at least once every 30 days.

* * * * *

* * * * *

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

3. The authority citation for part 161 would continue to read as follows:

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111-114, 114a, 114a-1, 115, 116, 120, 121, 125, 134b, 134f, 612, and 613; 7 CFR 2.17, 2.51, and 371.2(d).

4. Section 161.3 would be amended as follows:

a. By revising paragraphs (a) and (b) to read as set forth below.

b. In paragraph (c), by removing the phrase "or sign" in the first sentence.

c. In paragraph (k), by removing the phrase "or sign" in the first sentence.

§ 161.3 Standards for accredited veterinarian duties.

* * * * *

(a) An accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him or her with respect to any animal, other than those in regular health maintenance programs, unless he or she has personally inspected that animal within 10 days prior to issuance.

(1) Following the first two inspections of a herd or flock as part of a regular health maintenance program, an accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him or her with respect to any animal in that program, unless he or she has personally inspected that animal within 10 days prior to issuance.

(2) Following the third and subsequent inspections of a herd or flock in a regular health maintenance program, an accredited veterinarian shall not issue a certificate, form, record or report which reflects the results of any inspection, test, vaccination or treatment performed by him or her with respect to any animal in that program, unless he or she has personally inspected that animal within 30 days prior to issuance.

(b) An accredited veterinarian shall not issue, or allow to be used, any certificate, form, record or report, until, and unless, it has been accurately and fully completed, clearly identifying the animals to which it applies, and showing the dates and results of any inspection, test, vaccination, or treatment the accredited veterinarian has conducted, except as provided in paragraph (c) of this section, and the dates of issuance and expiration of the document. Certificates, forms, records, and reports shall be valid for 30 days following the date of inspection of the animal identified on the document. The accredited veterinarian shall distribute copies of certificates, forms, records, and reports according to instructions issued to him or her by the Veterinarian-in-Charge.

* * * * *

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

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-5992 Filed 3-9-95; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 756

Navajo Abandoned Mine Lands Reclamation (AMLR) Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Navajo AMLR plan (hereinafter referred to as the "Navajo plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA, 30 U.S.C. 1201 *et seq.*). The revisions for the Navajo Nation's proposed statute pertain to the reclamation of interim program coal sites. The amendment is intended to revise the Navajo plan to be consistent with SMCRA, and to improve operational efficiency.

DATES: Written comments must be received by 4 p.m., m.s.t., March 27, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Thomas E. Ehmett at the address listed below.

Copies of the Navajo plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Thomas E. Ehmett, Acting Director,
Albuquerque Field Office, Office of
Surface Mining Reclamation and
Enforcement, 505 Marquette Avenue
NW., Suite 1200, Albuquerque, New
Mexico 87102
The Navajo Nation, P.O. Box 308,
Window Rock, Arizona 86515,
Telephone: (602) 871-4941.

FOR FURTHER INFORMATION CONTACT:
Thomas E. Ehmett, Telephone: (505)
766-1486.

SUPPLEMENTARY INFORMATION:

I. Background on Title IV of SMCRA

Title IV of SMCRA established an AMLR program for the purposes of reclaiming and restoring lands and waters adversely affected by past mining. The program is funded by a reclamation fee levied on the

production of coal. Lands and waters eligible for reclamation under title IV are those that were mined or affected by mining and abandoned or inadequately reclaimed prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State, Federal, Tribal, or other laws.

Title IV provides for State or Tribal submittal to OSM of an AMLR plan. The Secretary of the Interior adopted regulations at 30 CFR 870 through 888 that implement Title IV of SMCRA. Under these regulations, the Secretary reviewed the plans submitted by States and Tribes and solicited and considered comments of State and Federal agencies and the public. Based upon the comments received, the Secretary determined whether a State or Tribe had the ability and necessary legislation to implement the provisions of Title IV. After making such a determination, the Secretary decided whether to approve the State or Tribe program. Approval granted the State or Tribe exclusive authority to administer its plan.

Ordinarily, under section 405 of SMCRA, a State or Tribe must have an approved surface mining regulatory program prior to submittal of an AMLR plan to OSM. However, on July 11, 1987, the President signed a supplemental appropriations bill (Pub. L. 100-71) that authorized the Crow and Hopi Tribes and Navajo Nation to adopt AMLR programs without approval of Tribal surface mining regulatory programs.

Upon approval of a State's or Tribe's plan by the Secretary, the State or Tribe may submit to OSM, on an annual basis, an application for funds to be expended by that State or Tribe on specific projects that are necessary to implement the approved plan. Such annual requests are reviewed and approved by OSM in accordance with the requirements of 30 CFR Part 886.

II. Background on the Navajo Plan

On May 16, 1988, the Secretary of the Interior approved the Navajo plan. General background information on the Navajo plan, including the Secretary's findings, the disposition of comments, and the approval of the Navajo plan can be found in the May 16, 1988, **Federal Register** (53 FR 17186). Approval of the Navajo plan is codified at 30 CFR 756.13. Subsequent actions concerning the Navajo plan and plan amendments can be found at 30 CFR 756.14.

III. Proposed Amendment

By letter dated January 12, 1995, the Navajo Nation submitted a proposed amendment to its AMLR plan pursuant to SMCRA (administrative record No.